

SESSION LAWS  
OF THE  
STATE OF WASHINGTON

EXTRAORDINARY SESSION

Convened March 22, Adjourned March 23

1920

Compiled in Chapters by

I. M. HOWELL,

Secretary of State

Marginal Notes and Index by

L. L. THOMPSON,

Attorney General

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PUBLISHED BY AUTHORITY

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## EXPLANATORY.

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In accordance with a proclamation issued by the Governor, under date of March 2, 1920, the Legislature of the State convened in Extraordinary Session upon March 22, 1920, at 12 o'clock noon, and adjourned *sine die* on March 23, 1920.

All acts passed by said session were approved by the Governor and take effect ninety days after adjournment, or 12 o'clock, midnight, June 18, 1920, with the exception of Chapter 3, which declared an emergency and took effect upon March 25, 1920, the date same was approved by the Governor.

I. M. HOWELL,  
*Secretary of State.*



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STATUTES OF WASHINGTON  
1920

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PASSED BY THE  
EXTRAORDINARY SESSION  
OF THE  
LEGISLATURE

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CONVENED MARCH 22, 1920  
ADJOURNED MARCH 23, 1920

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# LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session

1920

## CHAPTER 1.

[H. B. 2.]

### VETERANS' EQUALIZED COMPENSATION ACT.

AN ACT providing for the payment of equalized compensation to veterans of the war with the Central Allied Powers, authorizing the issuance and sale of state bonds and the levy of a tax to pay said bonds, making an appropriation, providing penalties, and providing for the submission of this act to a vote of the people.

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

SECTION 1. There shall be paid to each person who was regularly called, enlisted, drafted, inducted or commissioned and who served on active duty in the Army, Navy or Marine Corps of the United States between the 6th day of April, 1917, and the 11th day of November, 1918; and to each person who, being a citizen of the United States at the time of his entry therein, served on active duty in the naval, military or air forces of any of the governments associated with the United States during the war with the central allied powers between the 6th day of April, 1917, and the 11th day of November, 1918; and who, at the time of his call, enlistment, induction, commission or service, was a *bona fide* resident of the state of Washington, the sum of fifteen dollars (\$15.00) for each and every month or major fraction thereof of active duty per-

Qualifica-  
tions of  
recipients.

Amount.

Repayment  
of State  
loans.

Foreign com-  
pensation.

Increased  
pay.

Payment  
to heirs.

Sex no bar.

formed subsequent to April 6, 1917, and prior to November 11, 1919: *Provided*, That if any such person shall have borrowed money from the Veteran's Welfare Commission and shall have failed to repay said money, then the amount thereof shall be deducted from any sums payable to any such person under this act and said loan shall thereupon be cancelled and discharged: *Provided, further*, That persons who have received extra compensation from any other state, or nation other than the United States for such active service shall not be entitled to 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 allowable under this act and the extra compensation already received from such other state or nation: *Provided, further*, That persons who have received greater compensation than the regular pay of the Army, Navy or Marine Corps and commutation for quarters and subsistence, shall not be entitled to receive compensation under this act unless the amount of extra compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation allowable under this act and such extra compensation. In case of the death of any such person while in such 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. Persons of the female sex, or their surviving children or parents, who are in all other respects within the terms of this act, shall be entitled to compensation thereunder.

SEC. 2. The word "person," as used in section 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 or unqualified service, or who, while in such service, were separated therefrom under circumstances amounting to a dishonorable discharge and who have not subsequently been officially restored to an honorable status, and such person 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 certificate shall be duly verified by the claimant under oath and shall set forth the name, residence at the time of entry into the service, date of enlistment, induction or commission, date of discharge or release from active service if the claimant is not on active duty, a statement that the claimant during the period for which compensation is allowed did not refuse to subject himself to full military discipline and unqualified service and that he has not been separated from the service under circumstances amounting to a dishonorable discharge, and such further information as the state auditor may require. Such certificate shall be presented to the state auditor or his representative together with an honorable discharge or release from active service, or in case of its loss a properly authenticated record of service, or in the event that the claimant is still in the service a properly authenticated record of all active service performed by the claimant subsequent to April 6, 1917, and prior to November 11, 1919, or if the same be presented by the widow, child or parents of a deceased veteran, then with proper evidence of death, together with a properly authenticated record of

Auditor's  
certificate.

Record of  
service.

service, and the state auditor shall endorse upon such discharge, release or record of active service, a statement that such discharge, release or record of active service was made the basis of the application, and shall return such discharge or release or record of active service to the claimant and shall forthwith draw his warrant in the name of the claimant upon the Veterans' Compensation Fund for an amount equal to fifteen dollars for each and every month of active service, or major fraction thereof, between the 6th day of April, 1917, and the 11th day of November, 1919, and the state treasurer shall pay such warrants from the Veterans' Compensation Fund. In cases where application for compensation is made by the widow, children or parents of a deceased veteran, such person shall furnish the same information as though the application were made by the deceased veteran, and the state auditor shall prepare an appropriate form of certificate to cover such cases. Compensation allowed to the children of deceased veterans shall be paid to the guardians of such children, which guardians, if appointed by the courts of this state, shall serve without compensation and in the discretion of the court without bond, and it shall be the duty of every attorney in this state to appear in the courts or render any other necessary legal assistance in behalf of such children in so far as the provisions of this act are concerned, without compensation, and no public officer shall collect any fees in any proceedings brought in behalf of such children to secure compensation under this act.

Proof in case  
of death of  
veteran.

Guardians.

Attorneys.

No fees.

Auditor to  
furnish  
forms.

The state auditor is empowered to make such additional reasonable requirements from applicants as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

SEC. 4. The state auditor shall furnish free of charge, upon application therefor, the necessary

form of certificate to all persons entitled thereto, 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 forms of certificate 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 certificates to enable them to accept such applications. The state auditor is hereby authorized and directed to procure such printing and 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 Veterans' Compensation Fund.

County  
officers to  
assist.

The adjutant general 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 adjutant general may employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrants drawn upon the Veterans' Compensation Fund.

Duties of  
Adjutant  
General.

The auditor and the adjutant general may require persons employed by them under this act to furnish good and sufficient surety bonds to the state of Washington for the faithful performance of their duties and the premiums upon said bonds shall be payable from the Veterans' Compensation Fund.

Sec. 5. 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. 6. For the purpose of providing means for the payment of compensation hereunder and for

Bond issue.

paying the expenses of administration, there shall be issued and sold bonds of the state of Washington in the sum of eleven million dollars (\$11,000,000.00): *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 Board of Finance. The State Board of Finance may, in its discretion, provide for the issuance of coupon or registered bonds to be dated, issued, and sold from time to time and 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 twenty years from the date of its issuance, with such reserved rights of prior redemption as the State Board of Finance may prescribe, to be specified therein. The bonds shall be signed 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 facsimile; and such bonds shall bear interest at a rate not to exceed six per cent 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 gold coin of the United States of present standard of value, at such place or places as the State Board of Finance may provide, and shall be in such denominations as may be prescribed by said Board. All bonds issued under the provisions of this act may

Interest rate.

Form of bonds.

Sale of bonds.

be sold in such manner and in such amounts and at such times and on such terms and conditions as the State Board of Finance 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 Board of Finance 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 a legal investment for any of the funds of the state, including the permanent school fund, any higher educational funds, and accident fund of the industrial insurance department.

Bonds legal investment.

SEC. 7. The money arising from the sale of each issue of bonds shall be deposited in the state treasury to the credit of a special fund to be known as the "Veterans' Compensation Fund," which shall be used for 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 Veterans' Compensation Fund the sum of eleven million dollars (\$11,000,000.00).

Veterans' Compensation Fund.

Appropriation.

SEC. 8. For the purpose of creating a retirement fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, the proper state and county officers shall levy and collect a tax of one mill upon each dollar of the taxable property in the state for the year 1921 and for each year thereafter: *Provided*, That if said tax be insufficient then the proper state and county officers are authorized and directed to levy and collect such additional taxes as may be necessary for the payment of interest upon said bonds and the retirement of the principal thereof upon maturity. All moneys derived from such tax shall be paid into the state treasury and credited to a fund to be known as

Retirement fund.

the "Veterans' Compensation Bond Retirement Fund."

Free official  
service.

SEC. 9. No charge made by any agent, notary public or attorney for any service in connection with obtaining the allowance as provided for by this act shall be recognized by the state and any person who, for a consideration, discounts or attempts to discount, or for a consideration advances money upon any certificate or certificates issued pursuant to the terms of this act, shall be guilty of a gross misdemeanor.

Discounting  
certificates  
prohibited.

False claims  
punishable.

SEC. 10. 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 to any other officer of the state, 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 representations in connection with obtaining any funds under the terms of this act, shall be guilty of a felony.

Method not  
exclusive.

SEC. 11. 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.

Constitutionality.

SEC. 12. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Referendum.

SEC. 13. This act shall be submitted to the people for their ratification at the next general election 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 at the general

election held in November, 1912, and the laws adopted to facilitate the operation thereof.

Passed the House, March 22, 1920.

Passed the Senate, March 23, 1920.

Approved by the Governor, March 25, 1920.

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## CHAPTER 2.

[S. B. 2.]

### SCHOOL REVENUES.

AN ACT relating to school revenues, the annual tax levy and limit thereof, and amending section 4600 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4600 of Rem. & Bal. Code be amended to read as follows:

Section 4600. The interest accruing on said permanent school fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

Current fund.

In addition thereto it shall be the duty of the state board of equalization, annually, at the time of levying taxes for state purposes, to levy a tax sufficient to produce a sum which, when added to the amount of money derived from interest and other income from the state permanent school fund during the preceding school year, shall equal twenty dollars for each child of school age residing in the state as shown by the last reports of the several county superintendents to the superintendent of public instruction.

Tax levy.

The funds provided by this section shall be known as the current state school fund.

Passed the Senate March 22, 1920.

Passed the House March 23, 1920.

Approved by the Governor March 25, 1920.

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## CHAPTER 3.

[S. B. 1.]

### LEVY OF COUNTY TAXES.

AN ACT relating to taxation, the time and amount of levy therefor, and amending section 9212 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That section 9212 of Rem. & Bal. Code be amended to read as follows:

Rates, how fixed.

Section 9212. All county taxes shall be levied or voted in specific amounts, and the rates per centum shall be determined from the amount of property as equalized by the county board of equalization each year, except such general taxes as may be definitely fixed by law. The amount of state tax shall be levied by the state board of equalization and the rate be ascertained by the several county auditors on the valuation in their respective counties: *Provided*, That the amount levied in any one year shall not, for general state purposes, exceed five mills on a dollar, property valuation of the entire state. The amount of levy, as determined annually by the state board, shall be certified by the auditor of state to each county auditor on or before the last Monday of September of each year. The county taxes shall be levied by the county commissioners between the first and second Mondays of October of each year. The tax for payment of county current expenses shall be

Rate for state purposes.

County to be notified.

Levy by county commissioners.

based upon an itemized statement of the estimated county expenses for the ensuing fiscal year, which statement shall be included in the published proceedings of the said board, and no greater levy of county tax shall be made upon the taxable property of any county than will be equal to the amount of such estimated expenses, with an excess of fifteen per cent of the same. The tax for the payment of county indebtedness shall be based upon the indebtedness of the county, taking into consideration the amount of unpaid taxes, interest and penalty thereon, and all other assets applicable to the payment of such indebtedness: *Provided*, That this shall not be construed to affect any existing provisions of law relating to the levy of taxes for payment of any funded or bonded indebtedness or the interest thereon. The rate per centum of all taxes, except the state tax and such other taxes, the rates of which may be fixed by law or the county commissioners, shall be calculated and fixed by the county auditor according to the limitations hereinafter prescribed: *Provided*, That all collections made on and after the first day of February, 1898, for delinquent county taxes for the year 1896 and prior years, be credited to the county indebtedness fund, and with the taxes collected from the levy for payment of county indebtedness shall be paid and applied upon the county indebtedness outstanding on said first day of February, 1898, the payment of which is not otherwise provided for by law, and on and after said first day of February, 1898, all salaries, court expenses, and all other current expenses of the county shall be paid out of money collected from the levy of taxes for payment of county current expenses: *And provided further*, That all revenues other than taxes accruing to the county after the first day of February, 1898, and payable under laws enacted heretofore into the

Amount  
of levy.Allowance  
for  
delinquents.Assets  
against levy  
to pay in-  
debtedness.Except as  
to bonds.County  
auditor to  
fix rate.How de-  
linquent  
taxes to be  
applied.

“general” or “county fund” or “salary fund,” shall be paid into said county current expense fund.

**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 March 22, 1920.

Passed the House March 23, 1920.

Approved by the Governor March 25, 1920.

## AUTHENTICATION.

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I, I. M. HOWELL, Secretary of State of the State of Washington, and custodian of the seal of said state, do hereby certify that I have carefully compared the foregoing published laws passed by the Legislature of the State of Washington, at its extraordinary session, from March 22nd to March 23rd, 1920, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in spelling and use of words as indicated by the use of brackets, 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.

Done at Olympia, this 6th day of May, A. D. 1920.

[SEAL]

I. M. HOWELL,  
*Secretary of State.*

# RESOLUTIONS

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## SENATE JOINT RESOLUTION No. 1.

RELATING TO THE REVISION OF THE COMMON SCHOOL  
CODE OF THE STATE OF WASHINGTON.

WHEREAS, The common school laws of the State of Washington are in great need of revision and readjustment to existing conditions; and

WHEREAS, Several different plans have been proposed for correcting existing evils in our present system; for the purpose of giving this important matter proper consideration,

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

### I.

That a commission be immediately appointed by the Governor.

### II.

That said commission shall make a comprehensive and exhaustive study of the common school systems and incorporate its findings and conclusions in a bill, or bills, which shall be presented to the Legislature of 1921, not later than January 11, 1921.

Passed the Senate March 23, 1920.

Passed the House March 23, 1920.

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## SENATE CONCURRENT RESOLUTION No. 2.

*Resolved, by the Senate, the House concurring.*  
That the joint rules of the regular session of 1919 be the joint rules of this special session.

Passed the Senate March 22, 1920.

Passed the House March 22, 1920.

SENATE CONCURRENT RESOLUTION No. 4.  
RELATING TO PRINTING ACTS OF THE LEGISLATURE.

WHEREAS, The Secretary of State has not available any funds to pay the cost of printing the acts of the extraordinary session of the Legislature of the State of Washington, convened March 22, 1920,

*Be it resolved, by the Legislature of the State of Washington* that the cost of printing said acts be declared an expense of said session, and that said cost be paid from any funds available for the expenses of such extraordinary session.

Passed the Senate March 23, 1920.

Passed the House March 23, 1920.

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HOUSE JOINT RESOLUTION No. 1.

JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT  
TO THE CONSTITUTION OF THE UNITED  
STATES OF AMERICA.

WHEREAS, both houses of the sixty-sixth congress of the United States of America, by a constitutional majority of two-thirds thereof, did adopt a joint resolution proposing the following amendment to the constitution of the United States, which is in words and figures as follows, to-wit:

“JOINT RESOLUTION.

“Proposing an amendment to the Constitution extending the right of suffrage to women.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Con-

stitution when ratified by the legislatures of three-fourths of the several states.

“ARTICLE .....

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

“Congress shall have power to enforce this article by appropriate legislation.”

*Therefore, be it resolved by the Legislature of the State of Washington:*

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the Legislature of the State of Washington.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of the state to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

SEC. 3. This resolution 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 22, 1920.

Passed the Senate March 22, 1920.

## HOUSE JOINT RESOLUTION No. 2.

Being mindful of the exemplary life and purity of character as well as the distinguished public service of the Honorable Ernest Lister, late Governor of the State of Washington, whose virtues should be recorded in proper memorial, but being mindful of the fact that this Legislative Assembly has been convened in Extraordinary Session and that such memorial is matter more appropriately to be considered by the Legislature when convened in regular session—Therefore;

*Be it resolved*, That this body does hereby make timely acknowledgment of its regret and sorrow over the demise of our late Governor;

That a copy of this resolution be sent to the family with whom we deeply sympathize; and

That further consideration hereof be passed with commendation to the next regular session of the legislative assembly.

Adopted by the House March 22, 1920.

Adopted by the Senate March 23, 1920.

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HOUSE CONCURRENT RESOLUTION No. 3.

*Resolved by the House, the Senate concurring*, that the Governor of the State of Washington, with the assistance of the Attorney General be requested to prepare and submit to the legislature at its next regular session a Civil Administrative Code providing for the vesting of all executive functions of the state in a limited number of departments to the end that direct responsibility for administrative acts be fixed and that the cost of state government be reduced.

Adopted by the House March 23, 1920.

Adopted by the Senate, March 23, 1920.



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SESSION LAWS  
OF THE  
STATE OF WASHINGTON  
SEVENTEENTH SESSION

Convened January 10; Adjourned March 10

1921

Compiled in Chapters by J. GRANT HINKLE, Secretary of State

Marginal Notes and Index

BY

L. L. THOMPSON

Attorney General

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PUBLISHED BY AUTHORITY



## EXPLANATORY

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The Seventeenth Legislature of the State of Washington convened at 12 o'clock, noon, January 10, 1921, (being the second Monday in January), and adjourned *sine die* March 10, 1921.

All acts passed by the Session, approved by the Governor, together with those which were permitted to become laws without his signature, take effect ninety days after adjournment, or 12 o'clock, midnight, June 8, 1921, excepting relief bills, appropriations and other acts declaring an emergency.

J. GRANT HINKLE,  
*Secretary of State.*



# LAWS OF WASHINGTON

PASSED AT THE

Seventeenth Regular Session

1921

## CHAPTER 1.

[S. B. 1.]

### LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of one hundred and fifteen thousand dollars (\$115,000.00) or so much thereof as may be necessary for the expenses of the seventeenth legislature and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of one hundred and fifteen thousand dollars, (\$115,000.00) or so much thereof as may be necessary to be used for the purpose of paying the expenses of the seventeenth legislature of the State of Washington. Appropriation  
\$115,000.00.

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

Passed the Senate January 10, 1921.

Passed the House January 10, 1921.

Approved by the Governor January 10, 1921.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

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

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

Appropriation  
\$15,000.00.

SECTION 1. That there be, and there is hereby appropriated out of the general fund the sum of fifteen thousand dollars, (\$15,000.00) or so much thereof as may be necessary to pay for such printing as may be ordered by the seventeenth legislature, or either branch thereof.

Emergency.

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

Passed the Senate January 10, 1921.

Passed the House January 10, 1921.

Approved by the Governor January 10, 1921.

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CHAPTER 3.

[S. B. 41.]

LIEU APPROPRIATIONS FOR PUBLIC SERVICE COMMISSION.

AN ACT making lieu appropriations for the Public Service Commission.

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

Appropriation  
\$15,315.22.

SECTION 1. In lieu of the unexpended balances of the appropriations for the public service commission for extra engineers, clerks, etc., supplies, material, and service, and capital outlays, made by chapter 82 of the Laws of 1919, the following sums,

or as much thereof as shall severally be found necessary, are hereby appropriated for the biennium ending March 31st, 1921, out of the general fund in the state treasury.

FOR THE PUBLIC SERVICE COMMISSION.

Extra engineers, clerks, etc.....	\$8,831.40
Supplies, material and service.....	5,435.79
Capital outlays .....	1,048.03

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

Passed by the Senate January 20, 1921.

Passed by the House January 25, 1921.

Approved by the Governor January 31, 1921.

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CHAPTER 4.

[S. B. 40.]

PUBLIC HIGHWAY REAPPROPRIATION.

AN ACT reappropriating certain sums from the public highway fund and motor vehicle fund for the purpose of constructing and maintaining certain highways that have been established and constructed and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of three hundred fifty thousand six hundred fifty-one dollars and nine cents (\$350,651.09) from the public highway fund and the sum of four hundred thirty-one thousand two hundred dollars (\$431,200.00) from the motor vehicle fund, or so much thereof as may be necessary, be and the same is hereby reappropriated for completing and maintaining work already under contract and construction on certain state roads hereinafter

Appropriations, Highway Fund \$350,651.09, Motor Vehicle Fund \$431,200.00.

mentioned; the same being the unexpended balance of certain existing appropriations as shown by the state auditor's books December 31, 1920, said respective balances being reappropriated as follows:

	Public Highway Fund	Motor Vehicle Fund
Cascade Road, Skagit County.....	\$3,525.66	
Central Washington Highway, Connell North .....	11,600.00	
Inland Empire Highway: North line—Spo- kane County North.....		\$33,000.00
Colfax to Dayton.....	15,400.00	
Ellensburg to Yakima.....	41,600.00	50,000.00
Walla to Pasco.....		24,100.00
Pomeroy to Clarkston.....	31,000.00	46,900.00
McClellan Pass Highway: Greenwater River East .....	1,800.00	
National Park Highway: Tacoma to Ash- ford .....	2,200.00	
Tacoma to Ashford (paving).....		49,100.00
Pacific Highway to Mayfield.....	20,500.00	
North Bank Highway: Klickitat County..	32,300.00	
Skamania County.....	16,400.00	4,800.00
North Bank Highway: Washougal East...		14,400.00
North Central Highway: Harrington to Wilson Creek.....		2,100.00
Ocean Beach Highway: South Bend to Hol- man .....	43,400.00	
Coal Creek West.....	19,000.00	3,500.00
Wahkiakum County.....		56,400.00
Olympic Highway: Thurston County to Clallam County.....	1,100.00	
Forks South .....		2,000.00
East Beach-Fairholm.....	15,100.00	
Lake Quinault to Clearwater P. O.....	22,500.00	50,000.00
Pacific Highway: Blaine-Ferndale.....	4,000.00	
Everett to Stanwood (paving).....		4,600.00
Marysville-Blaine .....	4,800.00	
Seattle North.....	2,100.00	
Seattle South (paving).....		23,400.00
Nisqually Station South.....		3,600.00
Chehalis to Vancouver.....	40,300.00	
Pioneer to Toledo.....	5,800.00	
Forest South (paving).....		3,100.00
Salmon Creek North (paving).....		13,600.00
Pend Oreille Highway.....	7,000.00	
Roosevelt Highway: Skagit County.....	1,485.43	

	Public Highway Fund	Motor Vehicle Fund
Sunset Highway: North Bend to Vantage Ferry .....	\$1,540.00	
Waterville to Lincoln County Line.....		\$3,200.00
State Road No. 5, Lewis County.....		23,900.00
State Road No. 22, Stevens County.....		4,400.00
Uncompleted work and Federal Aid east of Columbia River.....	4,300.00	15,100.00
Preliminary surveys and investigations...	1,900.00	
	\$350,651.09	\$431,200.00

*Provided however,* That the separate amounts above stated together with the amount expended shall not exceed the original appropriation made in 1919 for said purposes.

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

Passed the Senate January 20, 1921.

Passed the House January 26, 1921.

Approved by the Governor February 1, 1921.

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## CHAPTER 5.

[S. B. 33.]

### PERMANENT HIGHWAYS APPROPRIATION.

AN ACT appropriating the sum of four million four hundred thousand dollars (\$4,400,000.00) from the permanent highway fund to complete contracts and construction work now in force on permanent highways, for the purpose of making payments on new contracts on permanent highways and for the maintenance of permanent highways, and declaring that this act shall take effect immediately.

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

SECTION 1. That the sum of four million four hundred thousand dollars (\$4,400,000.00), or as Appropriation  
\$4,400,000.00. much thereof as may be necessary, be, and the same

is hereby appropriated from the permanent highway fund for completing work already under contract and for new contracts on and the maintenance of permanent highways.

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 by the Senate January 20, 1921.

Passed by the House January 26, 1921.

Approved by the Governor February 1, 1921.

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## CHAPTER 6.

[H. B. 70.]

### MOTOR VEHICLES.

AN ACT relating to the use of public highways, providing for the issuance and fixing the terms of motor vehicle licenses, amending sections 7 and 12 of chapter 142 of the Laws of 1915, and making an appropriation.

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

SECTION 1. That section 7 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 7. The secretary of state shall, upon receipt of the application for a motor vehicle license accompanied by the required fee, place the original application on file in his office and thereupon issue to the applicant a license for such motor vehicle, stating therein the number to be displayed on such motor vehicle, as hereinafter provided, and authorizing the use of such vehicle upon the public highways for and during the current calendar year: *Provided*, That if such application is received during the month of December in any year the license shall be issued for, and shall be valid during, the ensuing calendar year.

License  
issued by  
Secretary  
of State.

SEC. 2. That section 12 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 12. The secretary of state shall furnish to each licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle, as hereinafter provided. The number shall be in block numerals and of such size as the secretary of state may determine, and shall be preceded by the letters "Wn" and by the last two numerals of the year for which the license is issued. Such number plates, if issued to a dealer, shall contain the word "Dealer." Such plates shall be obtained by the secretary of state on competitive bids: *Provided*, That the secretary of state shall be and is hereby authorized to purchase the necessary number plates for use during the period from March 1, 1921, to December 31, 1921, at private sale.

Number plates furnished by Secretary of State.

SEC. 3. The following sum, or as much thereof as shall be found necessary, is hereby appropriated out of the motor vehicle fund in the state treasury for the biennium ending March 31, 1921:

Appropriation \$28,000.00.

FOR THE SECRETARY OF STATE—MOTOR VEHICLE DEPARTMENT:

For number plate cost and other incidental expenses incident to the appropriation and administration of the automobile department..... \$28,000.00

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 January 27, 1921.

Passed the Senate January 28, 1921.

Approved by the Governor February 3, 1921.

## CHAPTER 7.

[H. B. 11.]

## ADMINISTRATIVE CODE.

AN ACT relating to, and to promote efficiency, order and economy in, the administration of the government of the state, prescribing the powers and duties of certain officers and departments, defining offenses and fixing penalties, abolishing certain offices, and repealing conflicting acts and parts of acts.

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

Title. SECTION 1. This act shall be known and may be cited as the administrative code.

State de-  
partments  
created.

SEC. 2. There shall be, and are hereby created, departments of the state government which shall be known respectively as, (1) the department of public works, (2) the department of business control, (3) the department of efficiency, (4) the department of taxation and examination, (5) the department of health, (6) the department of conservation and development, (7) the department of labor and industries, (8) the department of agriculture, (9) the department of licenses, and (10) the department of fisheries and game; which departments shall be charged respectively with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Chief execu-  
tive depart-  
mental  
officers.

SEC. 3. There shall be a chief executive officer of each of the departments of the state government created by this act, to be known respectively as, (1) the director of public works, (2) the director of business control, (3) the director of efficiency, (4) the director of taxation and examination, (5) the director of health, (6) the director of conservation and development, (7) the director of labor and industries, (8) the director of agriculture, (9) the director of licenses, and (10) the director of fisheries

and game; who shall be appointed by the governor with the consent of the senate, and hold office at the pleasure of the governor: *Provided*, That, if the senate be not in session when this act takes effect, and in case a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination for the office.

Appoint-  
ment.

SEC. 4. There shall be, and are hereby created, administrative committees of the state government, which shall be known respectively as, (1) the state equalization committee, (2) the state finance committee, (3) the state highway committee, (4) the state capitol committee, (5) the state archives committee, (6) the state parks committee, (7) the state voting machine committee, (8) the state law library committee, and (9) the state library committee.

Administra-  
tive commit-  
tees.

SEC. 5. The governor, the state auditor, and the state treasurer, *ex officio*, shall constitute the state equalization committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of equalization.

Equalization  
committee.

SEC. 6. The state treasurer, the state auditor, and the governor, *ex officio*, shall constitute the state finance committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of finance.

Finance  
committee.

SEC. 7. The governor, the state auditor, and the state treasurer, *ex officio*, shall constitute the state highway committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state highway board.

Highway  
committee.

Capitol  
committee.

SEC. 8. The governor, the state auditor, and the commissioner of public lands, *ex officio*, shall constitute the state capitol committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state capitol commission.

Archives  
committee.

SEC. 9. The secretary of state, the superintendent of public instruction, and the state insurance commissioner, *ex officio*, shall constitute the state archives committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the public archives commission.

Parks com-  
mittee.

SEC. 10. The commissioner of public lands, the secretary of state, and the state treasurer, *ex officio*, shall constitute the state parks committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of park commissioners.

Voting  
machine  
committee.

SEC. 11. The secretary of state, the superintendent of public instruction, and the state insurance commissioner, *ex officio*, shall constitute the state voting machine committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of voting machine examiners.

Law  
Library  
committee.

SEC. 12. The chief justice of the supreme court, the attorney general, and the secretary of state, *ex officio*, shall constitute the state law library committee, which shall have the power and it shall be its duty, to exercise all the powers and perform all the duties relating to the state law library now vested in, and required to be performed by, the state library commission. The state law librarian shall be the secretary of the state law library committee.

SEC. 13. The superintendent of public instruction, the commissioner of public lands, and the state treasurer, *ex officio*, shall constitute the state library committee, which shall have the power, and it shall be its duty, to exercise all the powers and perform all the duties relating to the state library, except the powers and duties relating to the state law library, now vested in, and required to be performed by, the state library commission, and shall exercise all the powers and perform all the duties now vested in, and required to be performed by, the state library advisory board.

Library  
committee.

SEC. 14. The governor and the directors of the departments of the state government created by this act shall constitute the administrative board. The governor shall be chairman of the board. The board shall have power to adopt general rules and regulations for the transaction of the business of the board, and provide for such committees as may be deemed expedient to facilitate the work of the board, the members of which committees shall be appointed by the chairman. A vote of the majority of the entire membership of the board shall be necessary to exercise any of the administrative powers, or perform any of the administrative duties vested in, or required to be performed by, the board. A majority of the board shall constitute a quorum, and a majority of those present at any meeting of the board may determine and advise as to questions of policy in the administration of any of the departments of the state government created by this act, submitted to the board by any member thereof. The board shall meet at the call of the governor.

Administra-  
tive Board.

Rules  
governing.

SEC. 15. The administrative board shall have the power, and it shall be its duty:

(1) To, from time to time, systematize and unify the administrative duties of the departments of the state government created by this act, and

Administra-  
tive Board,  
powers and  
duties.

make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work of the departments;

(2) To, from time to time, classify all subordinate officers, and employees of the state offices, departments, and institutions in accordance with the system of classification prepared by the director of efficiency;

(3) To, from time to time, determine the salaries and compensations to be paid such subordinate officers and employees in accordance with the classification and scale of salaries and compensations adopted by the board;

(4) To fix the amount of the bond to be given by each appointive state officer and each employee of the state in all cases where the same is not fixed by law;

(5) To require the giving of an additional bond, or a bond in a greater amount than that provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liability of the officer or employee;

(6) To, by resolution, exempt subordinate employees from giving bond when in its judgment the powers and duties of such employees are such as not to require the giving of a bond to protect the state;

(7) To, in case of an emergency requiring expenditures in excess of the amount appropriated by the legislature for any institution of the state, state officer, or department of the state government, and upon the written request of the governing authorities of the institution, the state officer, or the head of the department, setting forth the emergency and needs of the institution, office, or department, and in case the board by a majority vote of all its members determine that the public interest requires it, issue a permit in writing, signed by the chairman and attested by the secretary of the

board, authorizing such institution, officer, or department to incur such liabilities as the circumstances may require, to an amount stated in the permit, and directing that certified copies of the request and the permit, and a detailed statement of the liabilities incurred be filed in the office of the secretary of state and transmitted to the legislature at its next ensuing session, together with a request for an appropriation to cover the liabilities incurred. Such permit and full compliance with its provisions shall relieve the person incurring any such liability from personal liability therefor.

SEC. 16. Every appointive state officer and every employee of the state shall, before entering upon the discharge of the duties of his office or employment, give a surety bond, payable to the state, in such sum as is provided by law or in such sum as shall be deemed necessary by the administrative board created by this act, conditioned upon the faithful performance of the duties of the office or employment, and upon accounting for all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and as to sufficiency by the administrative board, and shall be filed in the office of the secretary of state.

Official  
bonds.

SEC. 17. Each office created by this act is hereby declared established as of the first day of April, 1921, and each officer whose office is created by this act shall, if sooner appointed, hold office beginning on the first day of April, 1921.

Offices.  
when  
established.

SEC. 18. The directors of the departments of the state government created by this act shall respectively exercise such powers and perform such executive and administrative duties as are provided by this act, and receive such annual salaries payable in equal monthly installments, as the governor shall fix, not to exceed the sums provided by this act:

Depart-  
mental  
directors.

*Provided*, That should the governor appoint any elective state officer as the director of any department created by this act, such elective officer shall receive as compensation for the extra duties imposed by this act only such sum as the governor shall fix, not to exceed the difference between the maximum salary provided by this act and the salary provided by law for such elective officer. Each officer whose office is created by this act shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state.

Depart-  
mental  
rules and  
regulations.

SEC. 19. The director of each department created by this act shall have the power to prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.

Depart-  
mental  
offices.

SEC. 20. Each department created by this act shall maintain its principal office at the state capital in rooms provided by the department of business control. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

Public  
works  
divisions.

SEC. 21. The department of public works shall be organized into and consist of three divisions, to be known respectively as, (1) the division of transportation, (2) the division of public utilities, and (3) the division of highways. The director of public works, shall have charge and general supervision of the department of public works, shall receive a salary of not to exceed six thousand dollars per annum, shall appoint a traffic and rate expert for the de-

Salary of  
director.

partment, and shall have power to appoint and employ such clerical and other assistants as may be necessary for the general administration of the department.

SEC. 22. The director of public works shall appoint and depute an assistant director, to be known as the supervisor of transportation, who shall have charge and supervision of the division of transportation, and, with the approval of the director, shall have power to appoint and employ such inspectors, engineers, experts, and clerical and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of trans-  
portation.

SEC. 23. The director of public works shall appoint and depute an assistant director, to be known as the supervisor of public utilities, who shall have charge and supervision of the division of public utilities, and, with the approval of the director, shall have power to appoint and employ such inspectors, engineers, experts, and clerical and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of public  
utilities.

SEC. 24. The director of public works shall appoint and depute an assistant director, to be known as the supervisor of highways, who shall have charge of the division of highways, and, with the approval of the director, shall have power to appoint and depute a chief clerk of the division, and appoint and employ such inspectors, engineers, and clerical and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as supervisor of highways, or to hold such office, unless he is an experienced constructing highway engineer.

Supervisor  
of highways.

SEC. 25. The director of public works shall have the power, and it shall be his duty, through and by means of the division of transportation:

Division of  
transporta-  
tion, powers  
and duties.

(1) To exercise all the powers and perform all the duties relating to common carriers of freight or passengers, and the transportation of property or persons, now vested in, and required to be performed by, the public service commission.

SEC. 26. The director of public works shall have the power, and it shall be his duty, through and by means of the division of public utilities:

Division of  
public  
utilities,  
powers and  
duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the public service commission, except the powers and duties relating to common carriers of freight and passengers and the transportation of property and persons, those relating to the inspection, grading, and certification of grain, hay, peas, grain and hay products, rice, beans, and other similar articles, nitrates and other fertilizers and sulphur and other chemicals, those relating to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of railroad, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities with respect to the safety of employees, those relating to the administration and enforcement of laws providing for the protection of employees of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, and those relating to the enforcement, amendment, alteration, change, and making additions to rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 27. The director of public works, the supervisor of transportation, and the supervisor of public utilities shall have the power, and it shall be

Hearings.

their duty, to jointly hear and decide, by a majority vote, all matters, arising either in the division of transportation or the division of public utilities, which the director of public works, or the supervisor of transportation or the supervisor of public utilities, respectively, shall deem to be of sufficient importance to require their joint action, and to hear and decide, by a majority vote, any matter concerning which any person affected by the decision of either the director of public works, or the supervisor of transportation or the supervisor of public utilities shall by request in writing, ask for a joint decision: *Provided, however,* That nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director of public works, the supervisor of transportation, the supervisor of public utilities, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

SEC. 28. The director of public works shall have the power, and it shall be his duty, through and by means of the division of highways:

Division of highways, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state highway commissioner;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 29. The department of business control shall be organized into, and consist of, five divisions, to be known respectively as, (1) the division of administration, (2) the division of purchasing, (3) the division of farm management, (4) the division of industrial management, (5) the division of public buildings and grounds. The director of business control shall have charge and general supervision of the department, and shall receive a salary of not to exceed six thousand dollars per annum.

Business control, divisions.

Chief  
assistant.

SEC. 30. The director of business control shall have the power to appoint and depute a chief assistant director, and to appoint and employ such clerical assistants as may be necessary for the general administration of the department. The chief assistant director shall assist in the general supervision and administration of the department.

Supervisor  
of purchas-  
ing.

SEC. 31. The director of business control shall have power to appoint and depute an assistant director, to be known as the supervisor of purchasing, who shall be, *ex officio*, chief clerk and disbursing officer of the department, have charge and supervision of the division of purchasing, and have power, with the approval of the director, to appoint and employ such auditors, accountants, clerks, and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as supervisor of purchasing, or to hold that office, unless he is a citizen of this state and has had practical experience in commercial pursuits and accounting.

Dietitian.

SEC. 32. The director of business control shall have the power to select a member of the faculty of the University of Washington, or the State College of Washington, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive his actual and necessary traveling expenses while engaged in the performance of his duties.

Supervisor  
of farm  
manage-  
ment.

SEC. 33. The director of business control shall have power to appoint and depute an assistant di-

rector, to be known as the supervisor of farm management, who shall have charge and supervision of the division of farm management, and have power, with the approval of the director, to appoint and employ such experts, surveyors, foremen, workmen, clerks, and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as supervisor of farm management, or to hold such office, unless he is a citizen of this state and has had practical experience in farming operations.

SEC. 34. The director of business control shall have the power to appoint and deputize an assistant director, to be known as the supervisor of industrial management, who shall have charge and supervision of the division of industrial management, and shall have power, with the approval of the director, to appoint and employ such foremen, mechanics, workmen, clerks, and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as supervisor of industrial management, or to hold that office, unless he is a citizen of this state and has had practical experience in the management of industrial or manufacturing plants.

Supervisor  
of industrial  
manage-  
ment.

SEC. 35. The director of business control shall have power to appoint and deputize an assistant director, to be known as the supervisor of buildings and grounds, who shall have charge and supervision of the division of buildings and grounds, and shall have power, with the approval of the director, to appoint and employ such engineers, architects, draftsmen, gardeners, watchmen, janitors, mechanics, workmen, clerks, and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as supervisor of buildings and grounds, or to hold that office, unless

Supervisor  
of buildings  
and grounds.

he is a citizen of this state and has had practical experience in structural engineering, architecture, or building construction.

Business control director, powers and duties.

SEC. 36. The director of business control shall have the power, and it shall be his duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of control, except (a) the supervision of the custodial care and treatment of the inmates of the state custodial school and the state hospitals for the insane, (b) the paroling of prisoners from the state penitentiary, and (c) the supervision of the education given at the state training school, the state school for girls, the state school for the deaf, and the state school for the blind;

(2) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the board of managers of the Washington state reformatory, excepting the paroling of prisoners from that institution;

(3) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the board of directors of the women's industrial home and clinic, except the parole and discharge of inmates of that institution;

(4) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the superintendent of capitol buildings and grounds;

(5) To classify the work of the department and to assign it to proper divisions;

(6) To comply with all requirements of the director of health in relation to health and sanitation at the institutions under the control of the department of business control;

(7) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 37. The director of the department of business control shall have the power, and it shall be his duty, through and by means of the division of purchasing, to purchase all supplies for the support and maintenance of the state institutions under the control of the department, and to purchase, in the manner provided by law for the purchase of supplies needed for the support and maintenance of the institutions under the control of the department, all the supplies needed for the support, maintenance, and use of the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state; and it shall be the duty of the governing authorities of the state's educational institutions, the elective state officers, the supreme court, the administrative and other departments of the state government, and of all appointive officers of the state, to cause to be prepared estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director of business control, and to forward the same to the director in accordance with his directions, and no such authorities, officers, or departments, or any officer or employee thereof, shall have the authority to purchase any article for the use of said institutions, offices, or departments except in case of extreme and immediate necessity, and it shall be the duty of all persons making such emergency purchases to immediately report the same, with the reasons therefor, to the supervisor of purchasing. Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the

Supervisor  
of purchas-  
ing, powers  
and duties.

Emergency  
purchases.

Payment  
for  
supplies.

moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

Storage of  
supplies.

SEC. 38. The director of business control shall have the power to establish and maintain at the state capital a warehouse or storeroom for the storage and distribution of supplies purchased for the elective state officers, the supreme court, and the administrative and other departments of the state government located at the state capital.

Division of  
farm man-  
agement,  
powers.

SEC. 39. The director of business control shall have the power, through and by means of the division of farm management:

(1) To make a survey, investigation, and classification of the lands connected with the state institutions under the control of the department, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the cost of making them ready for cultivation, the character of the soil, its depth and fertility, the number and kinds of crops to which it is adapted, the local climatic conditions, the local annual rain fall, the water supply upon the land or available, the drainage, natural or artificially available, the needs of all the state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions:

(2) To establish and carry on suitable farming operations at the several institutions under the control of the department;

(3) To supply the several institutions with the necessary food products produced thereat;

(4) To exchange with, or furnish to, other state institutions, food products at the cost of production;

(5) To sell and dispose of surplus food products produced.

SEC. 40. The director of business control shall have the power, through and by means of the division of industrial management:

Division of industrial management powers.

(1) To establish, install, and operate, at the several state institutions under the control of the department, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) To supply the several institutions with the necessary industrial products produced thereat;

(3) To exchange with, or furnish to, other state institutions industrial products at the cost of production;

(4) To sell and dispose of surplus industrial products produced.

SEC. 41. The director of business control shall have the power, and it shall be his duty, to cause all moneys or credits received from the sale or exchange of farm or industrial products produced or manufactured at the several institutions under the control of the department to be paid into the state treasury to the credit of a revolving fund, to be known as the state institutional revolving fund, which fund is hereby created and established in the state treasury, and from which fund there shall be biennially appropriated for the benefit of the several institutions under the control of the department sufficient moneys to cover the estimated biennial contribution to such fund of each of the said institutions.

State institutional revolving fund.

SEC. 42. The director of business control shall have the power, and it shall be his duty, when authorized in writing so to do by the department of ef-

Disposal of useless personalty.

iciency, to sell or exchange any personal property belonging to the state for which the office, department, or institutions having custody thereof has no further use, at public or private sale and with or without notice, in the discretion of the director of business control, and to immediately report such sale or exchange to the department of efficiency, on forms to be furnished for that purpose, and to cause the moneys realized from the sale of any such personal property to be paid into the state treasury, accompanied by a statement showing the respective fund from which the property sold was purchased, to which fund the state treasurer shall credit such moneys: *Provided*, If such fund be not in existence at the time of the sale, the moneys shall be credited to the general fund.

Accounting  
systems.

SEC. 43. The director of business control shall have the power, and it shall be his duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations.

Division of  
public build-  
ings and  
grounds.  
powers and  
duties.

SEC. 44. The director of business control shall have the power, and it shall be his duty, through and by means of the division of public buildings and grounds:

(1) To prepare topographical and architectural plans for the state institutions under the control of the department, and for the state capitol buildings, where not already prepared;

(2) To establish a systematic building program providing for the grouping of buildings at the institutions under the control of the department, and the state capital;

(3) To prepare plans, specifications and estimates of cost for all necessary repairs of better-

ments of buildings owned by the state, except those of the state's educational institutions, to accompany the estimates for the biennial budget;

(4) To supervise the erection, repair, and betterment of all such state buildings.

SEC. 45. The governor shall, from time to time, appoint parole boards, of three members, who shall, respectively, exercise all the powers and perform all the duties relating to the parole of prisoners from the state penitentiary and the Washington state reformatory, now vested in, and required to be performed by, the state board of control and the board of managers of the reformatory, respectively, and shall, from time to time, appoint a parole board, of three women, who shall exercise all the powers and perform all the duties relating to the parole and discharge of inmates from the women's industrial home and clinic, now vested in and required to be performed by, the board of directors of that institution. The members of all such parole boards shall hold office at the pleasure of the governor and shall each receive ten dollars per diem for time actually and necessarily spent in the discharge of their duties, and their actual and necessary traveling expenses, to be paid out of the moneys appropriated for supplies, material, and service, for the several institutions.

Parole boards, powers and duties.

SEC. 46. The director of efficiency shall have charge and general supervision of the department of efficiency, and shall have power to appoint and deputize a chief examiner and such other examiners as may be necessary, and to appoint a budget clerk and such other clerical assistants as may be necessary to carry on the work of the department, and shall receive a salary of not to exceed six thousand dollars per annum.

Director of efficiency.

Powers and  
duties.

SEC. 47. The director of efficiency shall have the power, and it shall be his duty:

(1) To exercise all the powers and perform all the duties relating to the inspection, examination, and supervision of all public offices of the state, and all state educational, penal, benevolent, and reformatory institutions, and all offices, departments, and agencies of the state government, now vested in, and required to be performed by, the state auditor, the bureau of inspection and supervision of public offices, and the inspector, deputy inspectors, and the examiners thereof;

(2) To make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and to make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) To compute cost findings of the several farming and industrial operations at the state institutions, and make confidential reports to the governor of profit and loss;

(4) To make property surveys in all state offices and departments and at all state institutions, install and require the maintenance of systems of property accounting, and make confidential reports to the governor;

(5) To, upon the request of the officer or department, or the governing authorities of any state institution, having the custody of any personal property belonging to the state, authorize the sale or exchange of the same, when it shall appear that the office, department, or institution has no further use for such property;

(6) To compile the daily expenditures of the several offices, departments, and institutions of the state, and from such compilation and the estimates for the biennial appropriation furnished by the several offices, institutions, and departments prepare the biennial statement provided by law as the basis for the state budget;

(7) To prepare and recommend to the administrative board a system of classification, salaries, and compensations for all subordinate officers and employees of the state offices, departments, and institutions other than educational institutions, including, (a) a basic rate of fixed work value, (b) titles of recognized work requirements by sub-classes and grades of employment, (c) standards of educational or experience qualifications for each class or sub-grade of employment, (d) classified minimum requirements to be met by persons before being eligible for appointment or employment, (e) classified standards to govern promotions and transfers, (f) classified standards of service provisions requiring efficiency of service, (g) classified standards of increasing compensations based on length and quality of service, (h) regular scale of salaries and compensations, and (i) progressive scales of salaries and compensations for efficiency of service, and a tentative schedule for all existing subordinate officers and employees based upon such system, and to, from time to time, recommend such changes in the system of classification and the schedule adopted by the board as he shall deem for the best interest of the state;

(8) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 48. The expense of inspecting and examining public offices of the state, state institutions, and departments of the state government, making effi-

Expenses of  
inspection  
and  
examination.

ciency surveys of state departments and institutions, and making property surveys in state offices and departments and at state institutions, including the salaries and traveling expenses of examiners, shall be paid out of the moneys appropriated for service for the several offices, institutions, and departments.

Department  
of taxation  
and  
examination,  
divisions.

SEC. 49. The department of taxation and examination shall be organized into, and consist of, three divisions, to be known respectively as, (1) the division of taxation, (2) the division of banking, and (3) the division of municipal corporations. The director of taxation and examination shall have charge and general supervision of the department, receive a salary of not to exceed six thousand dollars per annum, and have power to appoint and employ such clerical assistants as may be necessary for the general administration of the department.

Supervisor  
of taxation.

SEC. 50. The director of taxation and examination shall appoint and deputize an assistant director, to be known as the supervisor of taxation, who shall have charge and supervision of the division of taxation, and shall have power, with the approval of the director, to appoint and employ such clerical and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of banking.

SEC. 51. The director of taxation and examination shall appoint and deputize an assistant director, to be known as the supervisor of banking, who shall have charge and supervision of the division of banking, and shall have power, with the approval of the director, to appoint and employ such deputies, examiners, inspectors, and clerical and other assistants as may be necessary to carry on the work of the division. No person shall be eligible to appointment, as, or hold the office of, supervisor of banking, unless he is, and for at least two years prior to his appointment has been, a citizen of this state, and has

had practical experience in banking, trust company, or building and loan company business, nor if he is interested in any bank, trust company, or building and loan association, as a director, officer, or stockholder.

SEC. 52. The director of taxation and examination shall have the power to appoint and depute an assistant director, to be known as the supervisor of municipal corporations, who shall have charge and supervision of the division of municipal corporations, and shall have power, with the approval of the director, to appoint and employ such inspectors, examiners, and clerical and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of municipal  
corporations.

SEC. 53. The director of taxation and examination shall have the power, and it shall be his duty, through and by means of the division of taxation:

Division of  
taxation,  
powers and  
duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state tax commissioner, except the powers and duties relating to inheritance taxes and escheats;

(2) To secure, tabulate, and keep a record of valuations of all classes of property, real, personal, and mixed, tangible and intangible, throughout the state, and for that purpose to require of all officers, examiners, inspectors, assistants, and employees of the department of taxation and examination, and of all officers and employees of other departments of the state government whose work makes it possible to ascertain valuations, the filing of reports with the department of taxation and examination, giving information as to such valuations, and the source thereof, to the end that there shall be on file, for the use of the state equalization committee created by this act, information as to property valuations in every section of the state;

(3) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 54. The director of taxation and examination shall have the power, and it shall be his duty, through and by means of the division of banking:

Director of taxation and examination, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the bank commissioner;

(2) To exercise all the powers and perform all the duties in relation to the organization, inspection, supervision, and dissolution of building and loan associations, now vested in, and required to be performed by, the state auditor;

(3) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 55. The director of taxation and examination shall have the power, and it shall be his duty, through and by means of the division of municipal corporations:

Division of municipal corporations, powers and duties.

(1) To exercise all the powers and perform all the duties relating to the inspection and supervision of public offices of counties, cities, towns, townships, taxing districts, assessing districts, and other municipal corporations, now vested in, and required to be performed by, the state auditor, the bureau of inspection and supervision of public offices, and the inspector, deputy inspectors and examiners thereof;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 56. The director of health, who shall be an experienced physician, and four other persons experienced in matters of health and sanitation, to be appointed by the governor, shall constitute the state board of health. The director shall be chairman and executive officer of the board and, with the advice and assistance of the board, shall have charge and supervision of the department of health, and shall

Board of health.

receive a salary of not to exceed five thousand dollars per annum.

SEC. 57. The director of health shall appoint the state registrar of vital statistics, who shall be the secretary of the state board of health. The director shall have power to appoint and employ such deputies, scientific experts, sanitary engineers, quarantine officers, local registrars, and such clerical and other assistants as may be necessary to carry on the work of the department.

Registrar of  
vital  
statistics.

SEC. 58. The state board of health, created by this act, shall have the power, and it shall be its duty:

Board of  
health,  
powers and  
duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of health;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 59. The director of health shall have the power, and it shall be his duty:

Director of  
health,  
powers and  
duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state commissioner of health;

(2) To, with the assistance of the state registrar of vital statistics, exercise all the powers and perform all the duties, in relation to the registration of vital and mortuary statistics, now vested in, and required to be performed by, the state commissioner of health, the superintendent of registration, and the state registrar;

(3) To, not less often than once each six months, visit and inspect each of the state institutions, ascertain the sanitary and health conditions existing at each of said institutions, require the respective governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report his findings to the governor.

SEC. 60. The director of health and the head physicians of the women's industrial home and clinic,

Institutional  
board of  
health.

the state custodial school and each of the state hospitals for the insane, and one woman physician to be appointed by the governor to hold office during his pleasure, shall constitute a board, to be known as the institutional board of health, which shall have power, and it shall be its duty, to visit each such institution and advise the superintendent regarding general policy of custodial care and treatment of the inmates thereof, to, from time to time, advise general rules and regulations for carrying out such policy, and to, with the advice and assistance of the state dietitian, adopt and prescribe general rules and regulations to provide a healthful and proper diet for the various classes of inmates of such state institutions, having regard to their age, physical and mental condition, and their ability to perform labor. The director of health shall be the chairman of the institutional board of health which shall meet at the state capital on the last Monday in June of each year and at such other times and places, at the call of the chairman, as the board may fix by rules and regulations. The board may, from time to time, cause to be printed a report showing the general policy of, and the rules and regulations relating to, custodial care and treatment, and the rules and regulations relating to diet, as recommended by the board, and furnish a sufficient number of copies to each such state institution for its use. The superintendent of each of such institutions shall, however, have exclusive care and charge of the custodial treatment of the inmates of the institution under his care, and may or may not adopt the suggestions of the institutional board of health relating to custodial treatment. The board may also, upon request, furnish copies of the dietetic rules and regulations to other institutions.

Department  
of conserva-  
tion and  
development,  
divisions.

SEC. 61. The department of conservation and development shall be organized into, and consist of,

five divisions, to be known respectively as, (1) the division of forestry, (2) the division of geology, (3) the division of reclamation, (4) the division of the Columbia basin survey, and (5) the division of hydraulics. The director of conservation and development shall receive a salary of not to exceed seventy-five hundred dollars per annum, and shall have the power to appoint such clerical assistants as may be necessary for the general administration of the department.

SEC. 62. The director of conservation and development shall have power to appoint and depute a competent assistant director, to be known as the supervisor of forestry, who shall have charge and supervision of the division of forestry and, with the approval of the director, shall have power to appoint and employ such forest rangers, fire wardens, clerks, and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of forestry.

SEC. 63. The director of conservation and development shall have power to appoint and depute a competent assistant director, to be known as the supervisor of geology, who shall have charge and supervision of the division of geology, receive ten dollars per diem for each day employed in the performance of his duty and his actual and necessary traveling expenses, and, with the approval of the director, shall have power to appoint and employ such field experts, surveyors, clerks, and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of geology.

SEC. 64. The director of conservation and development shall have power to appoint and depute a competent assistant director, to be known as the supervisor of reclamation, who shall have charge and supervision of the division of reclamation, and, with the approval of the director, shall have power

Supervisor  
of reclama-  
tion.

to appoint and employ such engineers, experts, accountants, clerks, and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of the  
Columbia  
basin  
survey.

SEC. 65. The director of conservation and development shall have power to appoint and deputize a competent assistant director, to be known as the supervisor of the Columbia basin survey, who shall have charge and supervision of the Columbia basin survey, and, with the approval of the director, shall have power to appoint and employ such engineers, experts, and clerical and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of  
hydraulics.

SEC. 66. The director of conservation and development shall have power to appoint and deputize a competent assistant director, to be known as the supervisor of hydraulics, who shall have charge and supervision of the division of hydraulics, and, with the approval of the director, shall have power to appoint and employ such engineers and clerical and other assistants as may be necessary to carry on the work of the division.

Division  
of forestry,  
powers and  
duties.

SEC. 67. The director of conservation and development shall have the power, and it shall be his duty, through and by means of the division of forestry:

- (1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state board of forest commissioners;
- (2) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state forester;
- (3) To exercise such other powers and perform such other duties as may be provided by law.

Director of  
conservation  
and develop-  
ment.

SEC. 68. The director of conservation and development shall have power to exercise all the powers relating to the suspension of permits for privileges to burn forest material during the closed season, and relating to the suspension of the open

season for shooting game, now vested in the governor.

SEC. 69. The director of conservation and development shall have the power, and it shall be his duty, through and by means of the division of geology:

Division of geology, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the board of geological survey;

(2) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state geologist;

(3) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 70. The director of conservation and development shall have the power, and it shall be his duty, through and by means of the division of reclamation:

Division of reclamation, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state reclamation board;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 71. The director of conservation and development shall have the power, and it shall be his duty, through and by means of the division of the Columbia basin survey:

Division of the Columbia basin survey, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Columbia basin survey commission;

(2) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 72. The director of conservation and development shall have the power, and it shall be his duty, through and by means of the division of hydraulics:

Division of hydraulics, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state hydraulic engineer;

(2) To exercise such other powers and perform such other duties as may be provided by law.

Hearings.

SEC. 73. The director of conservation and development, the supervisor of hydraulics, and the supervisor of reclamation, or the supervisor of the Columbia basin survey, as the case may be, shall have the power, and it shall be their duty, to jointly hear and decide, by a majority vote, all matters, arising either in the division of reclamation or the division of the Columbia basin survey, which the director of conservation and development, or the supervisor of reclamation or the supervisor of the Columbia basin survey, respectively, shall deem to be of sufficient importance to require their joint action; and to hear and decide, by a majority vote, any matter concerning which any person affected by the decision of either the supervisor of reclamation or the supervisor of the Columbia basin survey shall, by request in writing, ask for a joint decision: *Provided, however,* That nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director of conservation and development, the supervisor of reclamation, the supervisor of the Columbia basin survey, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

Appeals.

Department  
of labor and  
industries,  
divisions.

SEC. 74. The department of labor and industries shall be organized into, and consist of, three divisions, to be known respectively as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of industrial relations. The director of labor and industries shall receive a salary of not to exceed seventy-five hundred dollars per annum, and have power to appoint such clerical

assistants as may be necessary for the general administration of the department.

SEC. 75. The director of labor and industries shall have the power to appoint and depute an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance, and, with the approval of the director, appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

Supervisor  
of industrial  
insurance.

SEC. 76. The director of labor and industries shall have power, (1) to appoint and depute an assistant director, to be known as the supervisor of safety, who shall have charge and supervision of the division of safety, (2) to appoint the state mining board, the members of which shall have the qualifications provided by law, and (3) to appoint and depute a chief inspector of mines, who shall have the qualifications provided by law for the office of the state mine inspector. The supervisor of safety, with the approval of the director, shall have power to appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. The chief mine inspector, with the approval of the director, shall appoint such qualified deputies as are provided by law.

Supervisor  
of safety.

SEC. 77. The director of labor and industries shall have power to appoint and depute an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, have charge and supervision of the division of industrial relations, and, with the approval of the director, shall appoint an assistant to be known as the industrial statistician, and a female assistant to be known as the supervisor of women in industry, and have power to appoint and employ such assistant media-

Supervisor  
of industrial  
relations.

tors, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

SEC. 78. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial insurance:

Division of industrial insurance, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial insurance department and the commissioners thereof;

(2) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state medical aid board;

(3) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the local aid boards;

(4) To have the custody of all property acquired by the state at execution sale upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs, to sell and dispose of the same at private sales for the sale purchase price, and to pay the proceeds into the state treasury to the credit of the industrial insurance fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state;

(5) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 79. The director of labor and industries, the supervisor of industrial insurance, and the supervisor of safety shall have the power, and it shall be their duty, to jointly hear and decide, by a majority vote, all matters arising in either the division of industrial insurance or the division of safety, which the director of labor and industries, or the supervisor of industrial insurance or the supervisor of safety, respectively, shall deem to be of sufficient importance to require their joint action, and to hear

Hearings.

and decide, by a majority vote, any matter concerning which any person affected by the decision of either the supervisor of industrial insurance or the supervisor of safety shall, by request in writing, ask for a joint decision: *Provided, however,* That nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director of labor and industries, the supervisor of industrial insurance, the supervisor of safety, or by any joint decision, of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law. Appeals.

SEC. 80. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of safety: Division of safety, powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state safety board, except the appointment of the state mining board;

(2) To exercise all the powers and perform all the duties in relation to the inspection of factories, mills, work-shops, store-houses, ware-rooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws providing for the protection of employees in mills, factories, work-shops, and other places where machinery is used, and in relation to the enforcement, inspection, and certification of safe places and safety device standards in all industries, now vested in, and required to be performed by, the commissioner of labor;

(3) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the state mine inspector and deputy mine inspectors;

(4) To exercise all the powers and perform all the duties in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, now vested in, and required to be performed by, the public service commission;

(5) To exercise all the powers and perform all the duties in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof, now vested in, and required to be performed by, the public service commission;

(6) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the inspector of hotels;

(7) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the bureau of labor;

(8) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 81. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of women and minors;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

Industrial welfare committee, powers and duties.

SEC. 82. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.

Department of agriculture, divisions.

SEC. 83. The department of agriculture shall be organized into, and consist of, five divisions, to be known respectively as, (1) the division of agriculture, (2) the division of horticulture, (3) the division of dairy and live stock, (4) the division of foods, feeds, drugs, and oils, and (5) the division of weights and measures. The director of agriculture shall have charge and general supervision of the department and shall receive a salary of not to exceed seventy-five hundred dollars per annum.

Supervisor of agriculture.

SEC. 84. The director of agriculture shall have the power to appoint and deputize an assistant director to be known as the supervisor of agriculture, who shall have charge and supervision of the division of agriculture, and, with the approval of the director, shall have power to appoint and employ such inspectors and clerical and other assistants, as may be necessary to carry on the work of the division.

Supervisor of horticulture.

SEC. 85. The director of agriculture shall have the power to appoint and deputize an assistant director, to be known as the supervisor of horticulture, who shall have charge and supervision of the division of horticulture, and, with the approval of the director, shall have power to appoint and deputize such inspectors, and to appoint and employ such

clerical and other assistants, as may be necessary to carry on the work of the division.

SEC. 86. The director of agriculture shall have the power to appoint and depute an assistant director, to be known as the supervisor of dairy and live stock, who shall have charge and supervision of the division of dairy and live stock, and, with the approval of the director, shall have power to appoint and depute such veterinarians, testers, and inspectors, and to appoint and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Supervisor  
of dairy and  
livestock.

SEC. 87. The director of agriculture shall have the power to appoint and depute an assistant director, to be known as the supervisor of foods, feeds, drugs, and oils, who shall have charge and supervision of the division of foods, feeds, drugs, and oils, and, with the approval of the director, shall have power to appoint and depute such inspectors, and to appoint and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Supervisor  
of foods,  
feeds, drugs  
and oils.

SEC. 88. The director of agriculture shall have the power to appoint and depute an assistant director, to be known as the supervisor of weights and measures, who shall have charge and supervision of the division of weights and measures, and, with the approval of the director, shall have power to appoint and depute such sealers, testers, and inspectors, and to appoint and employ such clerical and other assistants, as may be necessary to carry on the work of the division.

Supervisor  
of weights  
and  
measures.

SEC. 89. The director of agriculture shall have power, and it shall be his duty, to exercise all the powers and perform all the duties now vested in, and required to be performed by, the commissioner of agriculture, and to exercise such other powers and

Director of  
agriculture,  
powers and  
duties.

perform such other duties as may be provided by law.

Division of  
agriculture,  
powers and  
duties.

SEC. 90. The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of agriculture:

(1) To exercise all the powers and perform all the duties relating to the state fair, commercial fertilizers, surveys and classifications of lands, quarantine measures for the protection of any agricultural crops, forest trees, forest products, or other products not otherwise protected by law, agricultural and vegetable seeds, and growing crops thereof, now vested in, and required to be performed by, the commissioner of agriculture;

(2) To require all subordinate field officers, inspectors, and employees of the department to observe and report the existence of weeds liable to become a pest and detriment to the agricultural interests of any portion of the state, giving the nature, location, and extent thereof;

(3) To, when in his judgment any weeds are or may become noxious as defined by law, notify the auditor of the county in which such weeds are found, and the clerk of each incorporated city and town in such county, giving the name and the description of such weeds and the locality in which the same are found in the county, and it shall be the duty of such county auditor and city and town clerks to publish notice of the existence of such weeds, giving the name and the description of such weeds and the locality in which the same are found in the county, in the manner and for the time provided by law for the publication of descriptions of noxious weeds furnished by the state botanists;

(4) To notify the road supervisor of any road district in which noxious weeds are found, and the county commissioners of the county, of the presence of such weeds, giving the name and the description

of the weeds and the locality in which they are found, and it shall be the duty of every such road supervisor and the board of county commissioners so notified to enforce the law for protection against the spread of such noxious weeds and the destruction thereof;

(5) To exercise all the powers and perform all the duties relating to grain, hay, peas, grain and hay products, rice, beans, and other similar articles, nitrates and other fertilizers, sulphur and other chemicals, except the regulation of rates, service and facilities of public warehouses and public terminal warehouses in relation thereto, now vested in, and required to be performed by, the public service commission;

(6) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the director of farm marketing;

(7) To enforce and supervise the administration of all laws relating to agriculture, agricultural products, and agricultural interests.

SEC. 91. The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of horticulture:

Division of horticulture, powers and duties.

(1) To exercise all the powers and perform all the duties relating to horticulture, and horticultural plants and products, now vested in, and required to be performed by, the commissioner of agriculture;

(2) To enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

SEC. 92. The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of dairy and live stock:

Division of dairy and livestock, powers and duties.

(1) To exercise all the powers and perform all the duties relating to diseases among domestic animals, the quarantine and destruction of diseased

animals, now vested in, and required to be performed by, the commissioner of agriculture;

(2) To exercise all the powers and perform all the duties relating to milk, milk products, and dairies and dairy products, now vested in, and required to be performed by, the commissioner of agriculture;

(3) To exercise all the powers and perform all the duties relating to the registration of stallions and jacks, now vested in, and required to be performed by, the commissioner of agriculture;

(4) To enforce and supervise the administration of all laws relating to dairies, dairy products, live stock, and dairy and live stock interests.

SEC. 93. The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of foods, feeds, drugs, and oils:

Division of  
foods, feeds,  
drugs and  
oils, powers  
and duties.

(1) To exercise all the powers and perform all the duties formerly vested in, and required to be performed by, the state oil inspector, now vested in, and required to be performed by, the commissioner of agriculture; exercise all the powers and perform all the duties relating to foods, food products, drinks, and drugs, formerly vested in and required to be performed by the state dairy and food commissioner, now vested in and required to be performed by the commissioner of agriculture; exercise all the powers and perform all the duties relating to concentrated commercial feeding stuffs formerly vested in and required to be performed by the director of the Washington agricultural experiment station, now vested in, and required to be performed by, the commissioner of agriculture; and exercise all the powers and perform all the duties relating to foods, food products, drinks, concentrated commercial feeding stuffs, drugs, and oils and other petroleum products, now vested in, and required to be performed by, the commissioner of agriculture;

(2) To exercise all the powers and perform all the duties relating to bakeries and bakeshops, now vested in, and required to be performed by, the commissioner of agriculture;

(3) To enforce and supervise the administration of all laws relating to foods, food products, drinks, feeds, drugs, and oils, and their inspection, manufacture, and sale.

SEC. 94. The director of agriculture shall have the power, and it shall be his duty, through and by means of the division of weights and measures:

Division of weights and measures. powers and duties.

(1) To exercise all the powers and perform all the duties relating to weights and measures, now vested in, and required to be performed by, the secretary of state, the superintendent of weights and measures, the deputy superintendent of weights and measures, the inspector of weights and measures, and the state sealers.

SEC. 95. The director of licenses shall have charge and general supervision of the department of licenses, receive a salary of not to exceed five thousand dollars per annum, and have power to appoint such clerical and other assistants as may be necessary to carry on the work of the department, to deputize one or more of such assistants to perform such duties in the name of the director as he may deem expedient, and to designate one assistant as chief clerk and secretary of the department.

Director of licenses.

SEC. 96. The director of licenses shall have the power, and it shall be his duty:

Powers and duties.

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the board of accountancy of the State of Washington, the architects' board of examiners, the barbers' examining board, the state board of chiropody, the state board of chiropractic examiners, the board of dental examiners, the board of

drugless examiners of the State of Washington, the state embalmers' examining board, the board of medical examiners of the State of Washington, the state board of mining examiners, the nurses' examining board, the state optometry board, the board of osteopathic examiners of the State of Washington, the state board of pharmacy, and the state board of veterinary medical examiners, respectively, except the receiving of fees.

Forms.

SEC. 97. The director of licenses shall have the power, and it shall be his duty, to prescribe the respective forms of applications for examination for licenses, certificates of registration, certificates of competency, certificates of authority, and certificates of qualifications, to practice the respective professions, callings, and occupations requiring examination, and the respective forms of licenses and certificates to be issued upon examination.

"License" defined.

SEC. 98. The word "license" wherever used in the succeeding sections shall be held and construed to mean and include license, certificate of registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state.

Examinations for licenses.

SEC. 99. The director of licenses shall have the power, and it shall be his duty, from time to time, to fix such times and places for holding examinations of applicants for licenses as may be necessary and convenient, and to adopt general rules and regulations prescribing the method of conducting examinations. The governor shall, from time to time, upon the request of the director of licenses, appoint examining committees, to be composed of three persons possessing the qualifications provided by law to con-

duct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required, which committees respectively shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written or partly oral and partly written, and shall make and file with the director of licenses lists, signed by all the members of the committee conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants. Each member of such committee shall receive ten dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and his actual and necessary traveling expenses.

SEC. 100. All applications for examinations for licenses shall be filed with the state treasurer, together with the fee required by law to be paid in advance of the examination, and it shall be the duty of the state treasurer, 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 department of licenses, and to deposit in the state treasury to the credit of the proper funds the balance of moneys received as advance fees for examinations on hand at the close of the preceding business day, after making all corrections and refunding all over-payments and other sums authorized by law to be refunded. It shall be the duty of the secretary of the department of licenses, upon the receipt of any application for examination accompanied by the treasurer's duplicate receipt for the advance fee, to notify the applicant

Applications  
and fees for  
licenses.

of the day and place of the next ensuing examination applied for.

Issue of  
licenses.

SEC. 101. At the close of each examination it shall be the duty of the secretary of the department of licenses to cause to be prepared the proper licenses, where no further fee is required by law to be paid, and to issue to the successful applicants therefor such licenses, signed by the director of licenses and attested by the secretary under the seal of the department of licenses, and to notify all successful applicants for licenses, where a further fee is required by law to be paid, of the fact that they are entitled to receive such license upon the payment of such further fee to the state treasurer, and to notify all applicants who have failed to pass the examination of that fact. It shall be the duty of the state treasurer, upon the receipt of any such further fee required by law, to transmit his duplicate receipt therefor to the department of licenses, and the secretary, upon receiving such duplicate receipt, shall cause to be prepared and to be issued to the successful applicants the licenses in the manner provided for the issuance of licenses at the close of examinations. In all cases where an unsuccessful applicant is by law entitled to a refund of the whole or any portion of the advance fee paid, the secretary of the department of licenses shall certify that fact to the state treasurer, and the state treasurer shall refund the amount provided by law out of the current receipts of advance fees for examinations.

Notice to  
renew  
licenses.

SEC. 102. It shall be the duty of the secretary of the department of licenses, on or before thirty days prior to the renewal date of any license which by law may be, or is required to be, renewed, to notify the holder of such license of such renewal date, the amount of the renewal fee required, and that such fee shall be paid to the state treasurer. Upon the next business day after the receipt of any such re-

newal fee the state treasurer shall transmit his duplicate receipt therefor to the department of licenses and, after making all corrections and refunding all over-payments, to deposit the balance remaining on hand at the close of the preceding business day in the state treasury to the credit of the proper funds. Upon receiving such duplicate treasurer's receipt the secretary of the department of licenses shall cause to be prepared the proper renewal certificate, signed by the director of licenses and attested by the secretary under the seal of the department, and issue the same to the licensee.

SEC. 103. Whenever there shall be filed with the director of licenses any complaint charging that the holder of any license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation of his license, such complaint being verified in the manner provided by such law, the director of licenses shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who with the director shall constitute a committee to hear and determine the charges and, in case the charges are sustained, to impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee. The appointed members of such committee shall receive ten dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and their actual and necessary traveling expenses.

SEC. 104. The director of licenses shall have the power, and it shall be his duty:

(1) To exercise all the powers and perform all the duties relating to the issuance and renewal of licenses, now vested in, and required to be per-

Violations by  
holders of  
licenses.

Hearings.

Director of  
licenses,  
powers and  
duties.

formed by, the state fish commissioner, except the receiving of fees;

(2) To exercise all the powers and perform all the duties relating to the issuance of licenses to engage in the business of breeding and selling wild animals, wild birds or game birds, and the selling at retail of the carcasses thereof or parts thereof, now vested in, and required to be performed by, the state fish commissioner as *ex-officio* state game warden, except the receiving of fees;

(3) To exercise all the powers and perform all the duties relating to the issuance of licenses to itinerant vendors or peddlers of any medicine, drug, nostrum, ointment, or preparation for the treatment of disease or injury, now vested in and required to be performed by the board of pharmacy of the State of Washington, except the receiving of fees;

(4) To exercise all the powers and perform all the duties relating to the issuance of licenses to aliens to carry or have in their possession firearms, now vested in, and required to be performed by, the state auditor, except the receiving of fees;

(5) To exercise all the powers and perform all the duties relating to licenses of corporations, now vested in, and required to be performed by, the secretary of state, except the receiving of fees;

(6) To exercise all the powers and perform all the duties relating to motor vehicle licenses and permits to engage in or carry on the business of carrying or transporting passengers for hire in motor propelled vehicles, now vested in, and required to be performed by, the secretary of state, except the receiving of fees;

(7) To exercise all the powers and perform all the duties relating to licenses to engage in or continue the business of installing wires to convey electric current, or electric apparatus to be operated by

such current, now vested in, and required to be performed by, the secretary of state, except the receiving of fees.

SEC. 105. All applications for the licenses mentioned in the preceding section and for renewals thereof shall be filed with the state treasurer, together with the fee required by law to be paid in advance, and it shall be the duty of the state treasurer, 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 department of licenses, and to deposit in the state treasury to the credit of the proper funds the balance of moneys received as advance fees for licenses and renewals remaining on hand at the close of the preceding business day, after making all corrections and refunding all over-payments. Upon the receipt of any such application for a license or a renewal thereof, accompanied by the treasurer's duplicate receipt for the advance fee, the director of licenses shall cause to be prepared and issue to the applicant the license or renewal applied for, signed by the director of licenses and attested by the secretary under the seal of the department of licenses.

Applications  
for licenses  
to be filed  
with State  
Treasurer.

SEC. 106. Any person feeling himself aggrieved by the refusal of the director of licenses to issue any license provided for in this act, or to renew the same, or by the revocation or suspension of any license issued under the provisions of this act or any law being administered under this act, shall have a right of appeal from the decision of the director of licenses to the superior court of Thurston county, which appeal shall be taken, prosecuted, heard, and determined, as near as may be, in the manner provided by law for taking, prosecuting, hearing, and determining appeals from justices'

Appeals.

courts to superior courts. No appeal shall lie from the decision of the superior court of Thurston county on such appeals from the director of licenses, but such decisions may be reviewed as to matters of law by the supreme court upon writs of review sued out in the manner provided by law.

Department  
of fisheries  
and game,  
divisions.

SEC. 107. The department of fisheries and game shall be organized into, and consist of, the state fisheries board and two divisions, to be known respectively as, (1) the division of fisheries, and (2) the division of game and game fish. The director of fisheries and game shall have charge and general supervision of the department, and shall receive a salary of not to exceed six thousand dollars per annum, and shall have power to appoint and depute such clerical and other assistants as may be necessary for the general administration of the department. No person shall be eligible to appointment as, or to hold the office of, director of fisheries and game unless he has general knowledge of fishing conditions and of the fishing industry in this state, nor if he has any financial interest in the fishing industry or any industry directly connected therewith.

Food fish  
preserved  
and  
protected.

SEC. 108. The food fishes in the waters of the state of Washington shall be preserved, protected, and perpetuated, and to that end such food fishes shall not be taken at such times or places, by such means, or in such manner, as will impair the supply thereof.

State  
fisheries  
board.

SEC. 109. The governor shall have the power, and it shall be his duty, to appoint three citizens of this state who have a general knowledge of fish and fisheries of the waters of and adjacent to the state of Washington, as members of, and who shall constitute, the state fisheries board to serve at the pleasure of the governor, and who shall receive their actual and necessary expenses while engaged in the performance of their duties.

SEC. 110. The state fisheries board shall have the Powers.  
power to investigate the habits, supply, and economic uses of, and to classify, the food fishes in the waters of the state of Washington and, from time to time, make, adopt, amend, and promulgate rules and regulations governing the taking thereof, (1) fixing the times when the taking of the several classes of, and all, food fishes is prohibited, (2) specifying and defining the places and waters in which the taking of the several classes of, and all, food fishes is prohibited, and (3) defining, fixing, and prescribing the kinds of gear, appliances, or other means that may be used in taking the several classes of food fishes, and the times, places, and manner of using the same.

SEC. 111. All laws relating to the matters referred to in the last preceding section are hereby repealed as statutes, and are hereby constituted and declared to be operative and to remain in force as the rules and regulations of the state fisheries board, until such time as they or any of them are amended, modified, or revoked by the state fisheries board: *Provided*, That holders of existing fishing locations shall hold and enjoy the same with the exclusive right to operate their fishing appliances thereon under the rules and regulations of said board at all times when fishing in the waters where such locations are situated shall be permitted. Repealing clause.

SEC. 112. All rules and regulations of the state fisheries board, and all amendments to, or modifications or revocations of, existing rules and regulations shall be made and adopted by a majority vote of the board, by resolution entered and recorded in the minutes of the board, and shall be promulgated by publication in a newspaper of general circulation published at the state capital, and shall take effect and be in force at times specified therein. Rules and regulations published.

Violations of rules and regulations.

SEC. 113. Any person violating or failing to comply with any rules or regulations of the state fisheries board shall be guilty of a gross misdemeanor.

Supervisor of fisheries.

SEC. 114. The director of fisheries and game shall have the power to appoint and deputize an assistant director, to be known as the supervisor of fisheries, who shall have charge and supervision of the division of fisheries, and have power, with the approval of the director, to appoint and employ such superintendents, inspectors, engineers, patrolmen, and such clerical and other assistants as may be necessary to carry on the work of the division. No person shall be eligible to appointment as, or to hold the office of, supervisor of fisheries, unless he has a practical knowledge of the propagation of fish and of the fishing industry in this state, nor if he has any financial interest in the fishing industry or any industry directly connected therewith.

Supervisor of game and game fish.

SEC. 115. The director of fisheries and game shall have the power to appoint and deputize an assistant director, to be known as the supervisor of game and game fish, who shall have charge and supervision of the division of game and game fish, and have power, with the approval of the director, to appoint and employ such superintendents, deputy wardens, and such clerical and other assistants as may be necessary to carry on the work of the division. No person shall be eligible for appointment as, or hold the office of, supervisor of game and game fish, unless he has practical knowledge of the propagation of game and game fish and a general knowledge of the game and game fish conditions in the state.

Division of fisheries, powers and duties.

SEC. 116. The director of fisheries and game shall have the power, and it shall be his duty, through and by means of the division of fisheries:

(1) To exercise all the powers and perform all the duties relating to food fish and shell fish, now vested in, and required to be performed by, the state fish commission;

(2) To exercise all the powers and perform all the duties relating to food and shell fish, now vested in, and required to be performed by, the state fish commissioner;

(3) To administer and enforce all rules and regulations adopted by the state fisheries board;

(4) To exercise such other powers and perform such other duties as may be required by law.

SEC. 117. The director of fisheries and game shall have the power, and it shall be his duty, through and by means of the division of game and game fish:

(1) To exercise all the powers and perform all the duties relating to game and game fish, now vested in, and required to be performed by, the state fish commissioner as *ex officio* state game warden, the chief game warden, and the chief deputy game warden;

(2) To exercise such other powers and perform such other duties as may be required by law.

SEC. 118. The director of each of the departments of the state government created by this act shall have the power, from time to time, to designate and deputize one of the assistant directors of his department to act as, and to be, the chief assistant director, who shall have charge and general supervision of the department in the absence of, or in case of the disability of, the director, and who shall, in case a vacancy occurs in the office of director, continue in charge of the department until a director is appointed and qualified, or the governor shall appoint an acting director.

Chief departmental assistants.

SEC. 119. The commissioner of public lands shall have the power, and it shall be his duty, to exercise

Commissioner of public lands, powers and duties.

all the powers and perform all the duties now vested in, and required to be performed by, the board of state land commissioners, except the power and duty to act and serve as the commission mentioned in section 1 of article XV, and as the board of appraisers mentioned in section 2 of article XVI, of the state constitution; and exercise all the powers and perform all the duties now vested in and required to be performed by, the state oyster commission.

Inheritance  
taxes and  
escheats.

SEC. 120. The attorney general shall have the power, and it shall be his duty, to exercise all the powers and perform all the duties relating to inheritance taxes and escheats, now vested in, and required to be performed by, the state tax commissioner.

Record of  
state  
property.

SEC. 121. The state auditor shall have the power, and it shall be his duty, to install and maintain in his office, on forms to be furnished by the department of efficiency, and in accordance with classifications prescribed by that department, a controlling ledger in which shall be entered the valuations of all property, real, personal, and mixed, owned by the state, and to keep such ledger continually posted as capital outlays are made by the various officers, institutions, and departments of the state government, and to, once each year, enter therein and charge such depreciations as may be required by uniform system of accounts to be prescribed by the department of efficiency.

Disposal of  
property,  
records, etc.,  
of abolished  
offices,  
boards, etc.

SEC. 122. In all cases where an existing state office, board, commission, bureau, or department of the state is abolished by this act, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, bureau, or department, are transferred to, vested in, and required to be performed by, a department or committee created by this act, or a state officer,

all books, papers, maps, charts, plans, records, and all other equipment or property in the possession of such existing officer, board, commission, bureau, or department, or any officer or member thereof, and pending business in any way pertaining to the powers and duties of such office, board, commission, bureau, or department abolished by this act, shall be delivered and transferred to the administrative and executive head of the department, or the committee or state officer to which his or its powers and duties are transferred. In case such powers and duties are divided between two or more departments, committees, or state officers, each of said departments, committees, or officers shall receive such books, papers, maps, charts, plans, records, other equipment and property, and pending business as pertain to the powers and duties transferred to that department, committee, or officer. In all cases where any question shall arise as to the proper custody of any such books, papers, maps, charts, plans, records, other equipment and property, and pending business, the governor shall determine the question.

SEC. 123. In all cases where an existing state office, board, commission, bureau, or department is abolished by this act, or where the powers and duties vested in, and required to be performed by, any existing officer, board, commission, bureau, or department are transferred to, vested in, and required to be performed by, a department or committee created by this act, or a state officer, all employees of such office, board, commission, bureau, or department so abolished, or the powers and duties of which are so transferred, as the director of the department or the committee or officer to which the powers and duties of such office, board, commission, bureau, or department are transferred may select, shall continue to perform their usual duties upon the same

Distribution  
of powers  
and duties  
generally.

terms and conditions as heretofore, until removed, or appointed to positions in accordance with the provisions of this act relative to such department, or transferred to some other department. In all cases where the powers and duties of any such existing office, board, commission, bureau, or department are divided between two or more of the departments or committees created by this act, or state officers, each of such departments, committees, or officers shall receive, on the above terms and conditions, such of the employees of said office, board, commission, bureau, or department as are selected by the respective directors of the departments, or by the committee, or state officer to which the functions thereof are by this act transferred.

Pending  
matters,  
completion  
of.

SEC. 124. All petitions, hearings, and other proceedings pending before any existing officer, board, commission, bureau, or department which is abolished by this act, or the powers and duties of which are vested in, and required to be performed by, a department or committee created by this act, or state officer, and all prosecutions, legal or other proceedings and investigations begun by any such officer, board, commission, bureau, or department, and not completed at the time of the taking effect of this act, shall continue and remain in full force and effect notwithstanding the passage of this act, and may be completed before or by the department, committee, or officer which succeeds to the powers and duties of such office, board, commission, bureau, or department.

Existing  
orders, rules,  
etc., to  
continue.

SEC. 125. All orders, rules, and regulations made by any existing officer, board, commission, bureau, or department which is abolished by this act, or the powers and duties of which are vested in, and required to be performed by, a department or committee created by this act, or a state officer, shall

remain in full force and effect until revoked, or modified in accordance with law by the department, committee, or officer which succeeds to the powers and duties of such existing office, board, commission, bureau, or department.

SEC. 126. All existing contracts and obligations of the officers, boards, commissions, bureaus, or departments abolished by this act, or the powers and duties of which are vested in, and required to be performed by, a department or committee created by this act, or a state officer, shall remain in full force and effect, and shall be performed by the department, respective departments, committees, or state officers to which the powers and duties of such existing office, board, commission, bureau, or department are transferred.

Existing  
contracts  
and  
obligations.

SEC. 127. All reports required by law to be made by any existing office, board, commission, bureau, or department abolished by this act, or the powers and duties of which are vested in, and required to be performed by, a department or committee created by this act, or a state officer, shall hereafter be made by the executive and administrative head of the department, or the committee or officer to which the powers and duties of such existing office, board, commission, bureau, or department are transferred.

Official  
reports.

SEC. 128. In all cases where by this act power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, it shall be the duty of such other department or officer to submit to such inspection or examination, and to furnish the data, information, or assistance required.

Inspections  
and examina-  
tions.

Assistance.

SEC. 129. In all cases where any powers and duties, which have heretofore been vested in, or performed by, any existing officer, board, commission,

Vesting of  
powers and  
duties under  
former laws.

bureau, or department, or any deputy or subordinate officer thereof, are by this act transferred, either in whole or in part, to, or vested in and required to be performed by, a department or committee created by this act, or state officer, such powers and duties shall be vested in, and shall be performed by, the department, committee, or officer to which the same are hereby transferred, and not otherwise. And every act done in the exercise of such powers and duties shall have the same legal effect as if done by the former officer, board, commission, bureau, or department, or any deputy or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties, and shall have the same rights arising from the exercise of such powers and the performance of such duties, as if such powers and duties were exercised and performed by the officer, board, commission, bureau, or department, or any deputy or subordinate officer thereof, designated in the respective laws which are to be administered by the departments or committees created by this act, or state officers. Every person and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in the exercise of, such power or duty, by the officer, board, commission, bureau, or department, or any deputy or subordinate officer thereof, designated in the respective laws which are to be administered by the departments or committees created by this act, or state officers.

Penalties.

Civil and criminal liability of officers and employees.

SEC. 130. Every officer or employee of any department created by this act, who shall commit any act prohibited, or fail to perform any duty required, by the law creating the office or employment whose

duties are transferred by this act to the department of which he is an officer or employee, shall be subject to the same penalty or penalties, civil or criminal, as are prescribed by such law for the commission of such prohibited act or the failure to perform such duty.

SEC. 131. In all cases where reports or notices are now required to be made or given, or papers or documents furnished or served by any person, to or upon any existing officer, board, commission, bureau, or department, or any officer, subordinate officer, or employee thereof, abolished by this act, or any existing officer, board, commission, bureau, or department the powers and duties of which are vested in, and required to be performed by, a department or committee created by this act, or by a state officer, the same shall be made, given, furnished, or served in the same manner, to and upon the department, committee, or officer upon which are devolved by this act the powers and duties now vested in, and required to be performed by, such existing officer, board, commission, bureau, or department, or officer, subordinate officer, or employee thereof.

Reports and notices required under former laws.

SEC. 132. This act shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect, but such actions or proceedings may be prosecuted and continued by the department or committee created by this act, or the state officer, having jurisdiction under this act of the subject matter to which such litigation or proceeding pertains.

Litigation pending.

SEC. 133. Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled, during each twelve months' period, to fourteen days' leave of absence with full pay.

Vacations.

Location of  
offices.

SEC. 134. The governor shall have the power in his discretion to require all administrative departments of the state government and the appointive officers thereof, other than those created by this act, to maintain their principal offices at the state capital, in rooms to be furnished by the department of business control.

Offices,  
boards, etc.,  
abolished.

SEC. 135. From and after the thirty-first day of March, 1921, the following offices, boards, commissions, bureaus, and departments of the state government heretofore created by law shall be and are hereby abolished, viz: The board of accountancy of the state of Washington, the agricultural advisory board, the commissioner of agriculture, the assistant commissioner of agriculture in charge of the division of agriculture, the assistant commissioner of agriculture in charge of the division of horticulture, the assistant commissioner of agriculture in charge of the division of dairy and live stock, the assistant commissioner of agriculture in charge of the division of foods, feeds, drugs, and oils, the architects' board of examiners, the public archives commission, the bank commissioner, the barbers' examining board, the state board of finance, the state board of control, the bureau of inspection and supervision of public offices, the state capitol commission, the state board of chiropody, the state board of chiropractic examiners, the state claim agent, the Columbia basin survey commission, the board of dental examiners, the board of drugless examiners of the state of Washington, the state embalmers' examining board, the state board of equalization, the director of farm marketing, the state forester and fire warden, the state fish commissioner, the state fish commission, the state board of forest commissioners, the chief game warden, the chief deputy game warden, the board of geological survey

of the state of Washington, the state geologist, the state grain inspector, the state deputy grain inspectors, the state board of health, the state commissioner of health, the state highway commissioner, the state highway board, the state hotel inspector, the state hydraulic engineer, the industrial welfare commission, the industrial insurance department, the bureau of labor, the commissioner of labor, the state library commission, the state library advisory board, the state log scalers, the board of medical examiners of the state of Washington, the state medical aid board, the local aid boards, the state board of mining examiners, the nurses' examining board, the state optometry board, the board of osteopathic examiners of the state of Washington, the state oyster commission, the state board of park commissioners, the state board of pharmacy, the public service commission, the state reclamation board, the board of managers of the Washington state reformatory, the state safety board, the superintendent of capitol buildings and grounds, the state tax commissioner, the state board of veterinary medical examiners, the state board of voting machine examiners, the department of weights and measures, the state weighers of lumber and shingles, the board of directors of the women's industrial home and clinic, and the hop inspector.

SEC. 136. All acts and part of acts in conflict with the provisions hereof are hereby repealed as of March 31, 1921.

Repealing clause.

SEC. 137. 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. 138. Whereas the revenues of the state are insufficient to support the state government and its

Emergency.

existing public institutions as at present organized, and whereas it is necessary that the existing administrative agencies of the state government be consolidated and coordinated in order to bring the cost of supporting the state government and its existing institutions within the possible revenues of the state, therefore this act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House, January 20, 1921.

Passed the Senate, January 31, 1921.

Approved by the Governor February 9, 1921.

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## CHAPTER 8.

[H. R. 27.]

### DEFICIENCY APPROPRIATIONS.

AN ACT making appropriations for the departments of the State Government and for the several institutions hereinafter named, and declaring that this act shall take effect immediately.

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

SECTION 1. That the following sums, or so much thereof as shall be found necessary, are hereby appropriated out of the general fund for the departments of State Government and for the several institutions named herein, for the purposes herein set forth, for the biennium beginning April 1, 1919, and ending March 31, 1921:

Authorizing  
appropriations.

#### STATE BOARD OF CONTROL.

##### TRANSPORTATION INCORRIGIBLES, DISEASED PERSONS AND INSANE.

Supplies, material and service..... \$17,500 00

##### WESTERN STATE HOSPITAL.

Salaries and wages, and supplies, material and  
service ..... 120,000 00

## NORTHERN STATE HOSPITAL.

Salaries and wages and supplies, material and service .....	\$25,000 00
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## STATE CUSTODIAL SCHOOL.

Salaries and wages.....	\$6,000 00
Supplies, material and service.....	10,000 00

Total.....	16,000 00
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## STATE SOLDIERS' HOME.

Salaries and wages.....	\$10,000 00
Supplies, material and service.....	25,000 00

Total.....	35,000 00
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## WASHINGTON VETERANS' HOME.

Supplies, material and service.....	60,000 00
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## STATE SCHOOL FOR DEAF.

Salaries and wages.....	\$9,600 00
Supplies, material and service.....	20,000 00

Total.....	29,600 00
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## STATE SCHOOL FOR BLIND.

Salaries and wages.....	\$2,000 00
Supplies, material and service.....	8,000 00

Total.....	10,000 00
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## STATE TRAINING SCHOOL.

Salaries and wages and supplies, material and service .....	50,000 00
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## STATE SCHOOL FOR GIRLS.

Salaries and wages and supplies, material and service .....	17,500 00
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## STATE REFORMATORY.

Supplies, material and service.....	75,000 00
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## STATE BOARD OF CONTROL.

Supplies, material and service.....	5,000 00
(Deficiency in printing fund)	

Grand Total .....	\$461,600 00
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## CAPITOL BUILDINGS AND GROUNDS.

Supplies, material and service.....	\$3,000 00
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## TEMPLE OF JUSTICE.

Supplies, material and service.....	4,000 00
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## INSURANCE BUILDING.

Salaries and wages.....	\$1,500 00	.
Supplies, material and service.....	1,000 00	

Total.....		<u>\$2,500 00</u>
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Grand total.....		<u>\$9,500 00</u>
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## ELLENSBURG NORMAL SCHOOL.

Salaries and wages and supplies, material and service .....		\$36,500 00
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## CENTRALIA NORMAL SCHOOL.

Salaries and wages and supplies, material and service .....		15,210 00
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## BELLINGHAM NORMAL SCHOOL.

Salaries and wages and supplies, material and service .....		46,000 00
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## CHENEY NORMAL SCHOOL.

Salaries and wages and supplies, material and service .....		44,000 00
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## WASHINGTON STATE NAUTICAL SCHOOL.

Salaries and wages and supplies, material and service .....		20,800 00
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## STATE COLLEGE OF WASHINGTON.

Salaries and wages and supplies, material and service .....		208,232 68
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## UNIVERSITY OF WASHINGTON.

Salaries and wages and supplies, material and service .....		250,172 36
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## GOVERNOR'S OFFICE.

Extradition expenses, examinations into infractions of laws, and rewards.....		2,500 00
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## INDUSTRIAL INSURANCE COMMISSION.

Salaries of commissioners.....	\$950 00	
Salaries and wages, clerk hire, traveling auditors, adjusters and other assistants .....	16,000 00	
Supplies, material and service.....	11,000 00	

Total.....		<u>27,950 00</u>
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## STATE TREASURER'S OFFICE.

Supplies, material and service.....	\$2,100 00	
Clerk hire .....	750 00	
Improving and protecting vaults.....	12,000 00	

Total.....		<u>14,850 00</u>
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FOR PRESIDENTIAL ELECTORS.....	\$256 20
FOR RELIEF OF E. C. ARNOLD.	
Cancellation of insurance license.....	200 00
FOR RELIEF OF GEORGE E. LEUDINGHOUSE.	
Cancellation of general fund warrant No. 147553 Series "C" .....	3 80
FOR THE RELIEF OF THE JOURNAL OF COMMERCE.	
For publishing notices to contractors regarding School for Blind and Western Hospital for Insane .....	17 60
FOR RELIEF OF STATE BOARD OF DRUGLESS EXAMINERS.	
For expenses of all kinds for the biennium ending March 31, 1921 (Expenditures not to exceed collections.) .....	3,545 00
FOR THE SUPREME COURT.	
Salary of judges.....	679 00
FOR ADDITIONAL SALARY OF COMMISSIONER OF PUBLIC LANDS, from January 12th to March 31st, 1921...	440 86
FOR ADDITIONAL SALARY OF INSURANCE COMMISSIONER from January 12th to March 31st, 1921.....	440 86
STATE AUDITOR'S OFFICE.	
Supplies, material and service for the biennium ending March 31, 1921.....	1,000 00

SEC. 2. This act is necessary for the immediate Emergency.  
preservation of public peace, health and safety, and  
the support of the State Government and its exist-  
ing Public Institutions, and shall take effect immedi-  
ately.

Passed the House January 24, 1921.

Passed the Senate February 2, 1921.

Approved by the Governor February 14, 1921.

## CHAPTER 9.

[H. B. 50.]

## STATE HIGHWAY APPROPRIATION.

AN ACT making an appropriation for state highway purposes and declaring an emergency.

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

SECTION 1. That there is hereby appropriated from the motor vehicle fund the sum of Four Hundred Thousand Dollars (\$400,000), for the use of the State Highway Board in paying any money now due, or hereafter to become due, under any contract heretofore made for any supplies, material, or service for use on state highways, or bridges forming a part of such highways, and to pay the expense of making surveys, preparing plans and specifications, and expenses incident thereto, on any proposed state highway work, where no other funds are available for such purposes.

Appropriation motor vehicle fund \$400,000.00.

SEC. 2. Two hundred thousand dollars (\$200,000) of said sum shall be expended in that part of the state lying west of the Columbia River, exclusive of Ferry and Okanogan counties; and two hundred thousand dollars (\$200,000) of said sum shall be expended in that part of the state lying east of the Columbia River, including Ferry and Okanogan counties.

Distribution of expenditures.

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 1, 1921.

Passed the Senate February 7, 1921.

Approved by the Governor February 14, 1921.

CHAPTER 10.

[S. B. 44.]

PIERCE'S WASHINGTON CODE.

AN ACT relating to the official code and declaring an emergency.

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

SECTION 1. The compilation by Frank Pierce of the session laws of the State of Washington, known as Pierce's Washington Code, is hereby adopted as an official compilation of the existing statutes up to and including the year 1919. Adoption.

SEC. 2. It shall be proper for the Legislature, in amending or repealing existing statutes, or for the courts in referring to existing statutes, to refer to or cite Pierce's Washington Code containing such law, and in any such references or citations to abbreviate the same as Pierce's Code. Reference to and abbreviation of.

SEC. 3. The Secretary of State is hereby authorized and directed to certify the laws of the present, seventeenth, session for publication as a part of said compilation. Certifying session laws.

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

Passed by the Senate January 27, 1921.

Passed by the House February 7, 1921.

Approved by the Governor February 14, 1921.

CHAPTER 11.

[S. B. 38.]

DEFICIENCY APPROPRIATION FOR DEPARTMENT OF AGRICULTURE.

AN ACT making appropriations for the department of agriculture.

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

Appropriation  
\$20,000.00.

SECTION 1. The following sums, or as much thereof as shall be severally found necessary, are hereby appropriated out of any moneys in the general fund in the state treasury for the fiscal biennium ending March 31, 1921:

FOR THE DEPARTMENT OF AGRICULTURE.

Dairy and Live Stock Division:

Indemnity expenses, re bovine tuberculosis eradication work, ..... \$10,000 00

FOR THE WASHINGTON STATE FAIR.

For all purposes, ..... 10,000 00

Emergency.

SEC. 2. 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 by the Senate January 24, 1921.

Passed by the House February 10, 1921.

Approved by the Governor February 15, 1921.

## CHAPTER 12.

[H. B. 46.]

## COMPETITIVE BIDDING UPON PUBLIC WORKS.

AN ACT making it unlawful to suppress or eliminate competitive bidding upon public work within the State of Washington, and providing penalties for violation thereof.

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

SECTION 1. When any competitive bid or bids are to be or have been solicited, requested, or advertised for by the State of Washington, or any county, city, town or other municipal corporation therein, or any department of either thereof, for any work or improvement to be done or constructed for or by such state, county, city, town, or other municipal corporation, or any department of either thereof, it shall be unlawful for any person acting for himself or as agent of another, or as agent for or as a member of any partnership, unincorporated firm or association, or as an officer or agent of any corporation, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another or to any firm, association, or corporation for the purpose of inducing such other person, firm, association, or corporation, either to refrain from submitting any bids upon such public work or improvement, or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept, or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another person, persons, or corporation, will refrain from bidding

Suppression  
or elimina-  
tion of com-  
petitive bid-  
ding pro-  
hibited.

upon such public work or improvement, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such public work or improvement in such sum as to eliminate full and unrestricted competition thereon.

Collusion. SEC. 2. It shall be unlawful for any person for himself or as an agent or officer of any other person, persons, or corporation to in any manner enter into collusion or an understanding with any other person, persons, or corporation to prevent or eliminate full and unrestricted competition upon any public work or improvement mentioned in section 1 of this act.

Penalty. SEC. 3. Any person violating any provisions of this act shall be guilty of a gross misdemeanor.

Agreement outside state no defense. SEC. 4. It shall be no defense to a prosecution under this act that a payment or promise of payment of any money, check, draft, or anything of value, or any other understanding or arrangement to eliminate unrestricted competitive bids was had or made outside of the State of Washington, if such work or improvement for which bids are called is to be done or performed within the state.

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

Passed the House February 2, 1921.

Passed the Senate February 9, 1921.

Approved by the Governor February 16, 1921.

## CHAPTER 13.

[H. B. 4.]

PROPOSED CONSTITUTIONAL AMENDMENT AS TO RIGHTS  
OF ACCUSED PERSONS.

AN ACT providing for the amendment of Section 22 of Article I of the Constitution of the State of Washington, relating to the rights of accused persons.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday of November, 1922, there shall be submitted to the qualified electors of the state for their adoption and approval or rejection an amendment to Section 22 of Article I of the Constitution of the State of Washington, so that the same shall, when amended, read as follows:

“Section 22. In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: *Provided*, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass

during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.”

Passed the House January 27, 1921.

Passed the Senate February 9, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 14.

[H. B. 63.]

### PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO EXPENDITURE OF MONEY IN STATE TREASURY.

AN ACT providing for the amendment of Section 4 of Article 8 of the Constitution of the State of Washington relating to the expenditure of moneys in the state treasury.

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

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1922, there shall be submitted to the qualified electors of the state, for their adoption and approval or rejection, an amendment to section 4 of article 8 of the constitution of the State of Washington, so that the same shall, when amended, read as follows:

Section 4. No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or

Money  
disbursed  
only by ap-  
propriation.

continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Passed the House January 25, 1921.

Passed the Senate February 9, 1921.

Approved by the Governor February 18, 1921.

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CHAPTER 15.

[S. B. 51.]

DEFICIENCY APPROPRIATION FOR BOARD OF CHIROPRACTIC EXAMINERS.

AN ACT making an appropriation for the board of chiropractic examiners.

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

SECTION 1. The following sum, or as much thereof as shall be found necessary, is hereby appropriated out of the general fund in the state treasury for the fiscal term ending March 31, 1921:

Appropriation  
\$1,249.78.

FOR THE BOARD OF CHIROPRACTIC EXAMINERS:

Expenses of all kinds..... \$1,249.78

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

Emergency.

Passed by the Senate February 3, 1921.

Passed by the House February 16, 1921.

Approved by the Governor February 21, 1921.

## CHAPTER 16.

[H. B. 157.]

DEFICIENCY APPROPRIATION FOR PUBLIC SERVICE  
GRAIN DEPARTMENT.AN ACT making an appropriation for the State Public Service  
Commission Grain Department.*Be it enacted by the Legislature of the State of  
Washington:*

SECTION 1. The following sum, or so much thereof as shall be found necessary, is hereby appropriated out of any moneys in the general fund of the state treasury for the fiscal term ending March 31st, 1921, for the State Public Service Grain Department for salaries of deputy inspectors, samplers, weighers, office rent, traveling expenses, office supplies, postage and incidentals, ten thousand dollars.

Appropriation  
\$10,000.00.

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 House February 11, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor February 21, 1921.

CHAPTER 17.

[S. B. 27.]

DEFICIENCY APPROPRIATION FOR STATE BOARD OF ARCHITECT EXAMINERS.

AN ACT making an appropriation from the general fund for the State Board of Architect Examiners and declaring an emergency.

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

SECTION 1. The sum of Twenty-four Hundred (\$2400.00) Dollars, or so much thereof as may be found necessary, is hereby appropriated from the general fund for the salaries and expenses of the State Board of Architect Examiners; *Provided*, that expenditures hereunder shall not exceed the collections of said board. Appropriation \$2,400.00.

SEC. 2. This appropriation shall be available for the payment of salaries and expenses heretofore incurred by said board subsequent to April 1, 1919, pursuant to the provisions of Chapter 205 of the Laws of 1919, for which payment has not been made. Use.

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

Passed the Senate February 3, 1921.

Passed the House February 16, 1921.

Approved by the Governor February 21, 1921.

## CHAPTER 18.

[H. B. 78.]

LIEU APPROPRIATION FOR DEPARTMENT OF FISHERIES.  
AN ACT making an appropriation for the department of fisheries.

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

SECTION 1. In lieu of the unexpended balance of the appropriation for the department of fisheries made by chapter 199 of the Laws of 1919, there is hereby appropriated for the biennium ending March 31, 1921, from the fisheries fund, for the department of fisheries: Salary of fish commissioner, of inspectors and employees, traveling expenses of commissioner, inspectors and employees, rent and incidentals, construction, repairs and maintenance of salmon hatcheries, construction of new hatcheries, patrol service, improvements, replacements, destruction of seals, printing and for the other necessary expenses of the office of the fish commissioner, the sum of twenty-four thousand forty-two dollars and ninety-eight cents, or so much thereof as may be necessary.

Fisheries  
fund ap-  
propriation  
\$24,042.98.

Emergency.

SEC. 2. 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 House February 2, 1921.

Passed the Senate February 11, 1921.

Approved by the Governor February 23, 1921.

## CHAPTER 19.

[S. B. 84.]

## PRIMARY HIGHWAYS.

AN ACT relating to the construction, improvement and repair of primary state highways by counties.

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

SECTION 1. Whenever any county in this state desires to undertake the construction or improvement of any primary state highway or any county road used as a part of such highway, or the construction or alteration of any bridge, culvert, cattle pass, or other structure on a primary state highway, or any county road used as a part of such highway, plans and specifications for such work shall be first submitted to the supervisor of highways for approval, and no such work shall be done unless the supervisor of highways shall approve such plans and specifications, and all such work shall be done in accordance with the plans and specifications as approved.

Approval of plans by supervisor of highways.

Passed by the Senate February 7, 1921.

Passed by the House February 16, 1921.

Approved by the Governor February 23, 1921.

## CHAPTER 20.

[S. B. 59.]

## ELECTRIC CONSTRUCTION.

AN ACT relating to electric construction and amending section 4976-3 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4976-3 of Rem. & Bal. Code be amended to read as follows:

Section 4976-3. All wires, cables, poles, electric fixtures and appliances of every kind being used or operated at the time of the passage of this act, shall be changed, and made to conform to the provisions of section 4976-1, on or before the first day of July, 1931.

Time to  
comply  
with re-  
quirements.

*Provided, however,* That the public service commission of Washington shall have power, upon notice and hearing, to order and require the erection of all guards, protective devices, and methods of protection which in the judgment of the commission are necessary and should be constructed previous to the expiration of the time fixed in this section: *Provided, however,* That it shall be lawful to place additions, wires, cables, electrical fixtures or appliances upon existing poles or cross-arms so long as the new construction shall be made to conform to the provisions of this act.

*Provided, further,* That nothing in this act shall apply to manholes already constructed, except the provisions for guards, sanitary conditions, drainage and safety appliances specified in rules 20, 24, 26, 29, 30, 31 and 32.

Passed by the Senate February 9, 1921.

Passed by the House February 16, 1921.

Approved by the Governor February 24, 1921.

## CHAPTER 21.

[S. B. 113.]

## CLOSING STREETS AND HIGHWAYS.

AN ACT providing for the closing of certain city or town streets, county and state roads, or parts thereof, and for giving notice of such closing by the city or town governing bodies, County Commissioners or State Highway Commissioner, and providing penalty, and declaring an emergency.

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

SECTION 1. Whenever the condition of any city or town street, state or county road, either newly constructed, repaired or improved or of prior construction, or any part thereof, is such that its use or continued use by vehicles will greatly damage such road, the State Highway Commissioner, if it be a state road, or the Board of County Commissioners, if it be a county road, or the governing body of a city or town, if it be a city or town street, is authorized to close such road to travel by all vehicles or to any class of vehicles, for such period as they shall determine.

When city, county, etc., may close.

SEC. 2. Before any road is closed to vehicles or any class of vehicles under this act, a notice of the date on and after which the road, or any part thereof, shall be closed, and the period of such closing, and whether it shall be closed to all vehicles or to vehicles of particular class or classes, shall be published in one issue of a newspaper printed and published in the county, city or town in which the road or street is located; and a like notice shall be posted on or prior to the date of publication of such notice, in a conspicuous place at each end of the road or street or part of said road or street to be closed: *Provided*, that no such road shall be closed sooner than three days after the publication and

Notice of closing.

posting of the notice herein provided for: *Provided, however,* in cases of emergency, the proper officers may, without publication or delay, close roads and streets temporarily by posting notices at each end of, and at, all cross-roads or streets and all roads or streets leading into, or out from, any road or street to be temporarily closed. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective.

Penalty.

SEC. 3. When any road, or part thereof, shall have been closed as herein provided, any person, firm or corporation disregarding such closing and using such road or part thereof with any vehicle to which said road is closed by such notice, shall be deemed guilty of a misdemeanor.

Authority to successor of state highway commissioner.

SEC. 3½. The authority herein conferred upon the State Highway Commissioner shall be exercised by that officer until such time as the Director of Public Works shall be appointed and qualified. Thereafter such authority shall be vested in and exercised by the Director of Public Works through and by means of the Division of Highways.

Emergency.

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

Passed by the Senate February 24, 1921.

Passed by the House February 24, 1921.

Approved by the Governor February 25, 1921.

## CHAPTER 22.

[S. B. 100.]

REAPPROPRIATION FOR CAPITOL BUILDINGS AND  
SOLDIERS' MEMORIAL.

AN ACT continuing and reviving the unexpended balances appropriated for capitol buildings and grounds and a suitable memorial made by Chapter 34 of the Laws of 1919.

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

SECTION 1. For the erection and completion of public buildings at the capital for legislative, executive and judicial purposes, for the acquiring of Lots 9 and 10 of William's Capitol Addition to Olympia, and lands heretofore authorized by Chapter 191 of the Laws of 1915 and Chapter 167 of the Laws of 1917, there is hereby reappropriated from the capitol building construction fund the sum of one million one hundred ninety-four thousand seven hundred ninety-one dollars and forty-four cents (\$1,194,791.44), the same being the unexpended balance of the appropriation made by Chapter 34 of the Laws of 1919, for such purposes.

Appropriation  
\$1,194,791.44

SEC. 2. For the erection of a suitable memorial upon the capitol grounds in honor of the soldiers, sailors and marines from this state, who lost their lives in the service by disease or on the battlefield, at home or abroad in the war with the Teutonic Powers, there is hereby reappropriated from the capitol building construction fund the sum of fifty thousand (\$50,000.00) dollars, the same being the unexpended balance of the appropriation made by Chapter 34 of the Laws of 1919 for such purpose.

Appropriation  
\$50,000.00.

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

Emergency.

Passed by the Senate February 9, 1921.

Passed by the House February 18, 1921.

Approved by the Governor February 25, 1921.

## CHAPTER 23.

[H. B. 75.]

## PIERCE COUNTY FISH HATCHERY AND GAME FARM.

AN ACT authorizing the state board of control to issue to the Pierce County game commission a permit to use certain lands for the purpose of erecting and maintaining a fish hatchery and game farm thereon.

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

SECTION 1. That the state board of control be and it is hereby authorized to issue to the Pierce county game commission a permit to erect and maintain a fish hatchery, together with the necessary and convenient rearing ponds and other appliances for the propagation of fish, and a game farm together with the necessary appliances for the propagation and rearing of game birds and animals, on the following described tract of land, to-wit: Beginning at a point on the east line and 985 feet north of the south boundary of the west half of the southeast quarter of section 27, township 20 north, range 2 east, W. M., thence west 434.95 feet, thence north 359.91 feet, thence north 34 degrees 25 minutes east 261.75 feet, thence north 49 degrees 51 minutes east 204.18 feet, thence north 78 degrees 8 minutes east 133.80 feet to east line of said west half of the southeast quarter, thence south along said east line 735 feet to place of beginning, containing 6.03 acres. Together with the right to use the surplus water from Asylum creek for the purpose of maintaining such fish hatchery and game farm.

Passed the House February 1, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor February 26, 1921.

Permit to  
county  
game  
commis-  
sion.

## CHAPTER 24.

[H. B. 74.]

## FOURTH CLASS CITIES OR TOWNS.

AN ACT relating to cities of the fourth class and amending section 7743 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 7743 of Rem. & Bal. Code be amended to read as follows:

Section 7743. It shall be the duty of the treasurer to receive and safely keep all moneys which shall come into his hands as treasurer, for all of which he shall give duplicate receipts, one of which shall be filed with the clerk. He shall pay out said money on warrants signed by the mayor and countersigned by the clerk, and not otherwise. He shall make monthly settlements with the clerk, and shall receive such compensation as the council by ordinance shall determine.

Duties of treasurer.

Passed the House February 1, 1921.

Passed the Senate February 17, 1921.

Approved by the Governor February 26, 1921.

## CHAPTER 25.

[H. B. 67.]

## SUPERIOR COURT BAILIFFS.

AN ACT amending an act relating to the salaries of bailiffs of superior courts, and amending section 1 of chapter 141 of the Laws of 1919.

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

SECTION 1. That section 1 of chapter 141 of the Laws of 1919, the same being section 8642a of

Pierce's Washington Code, be amended to read as follows:

Salaries. Section 1. Bailiffs of the several superior courts, appointed by the respective judges thereof, in counties of this state having a population of more than one hundred twenty-five thousand, shall be paid for their services one hundred and twenty-five dollars per month by the county in which the court is held.

Passed the House January 31, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor February 26, 1921.

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## CHAPTER 26.

[H. E. 51.]

### JURORS.

AN ACT relating to the selection of jurors in superior courts and amending Section 101 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That Section 101 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Jury districts—  
annual  
listing. Section 101. Upon the taking effect of this act, the judge or judges of the superior court of each county in this state shall divide the county into not less than three nor more than six jury districts, following the lines of voting precincts and arranging the districts in such manner that the population in each district shall be as nearly equal as may be, and the fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records. The County Assessor in each county in the state shall prepare annually a

list of all persons qualified and subject to serve as a juror, giving the name, age, sex, whether naturalized or native born citizen, occupation, judicial district and post-office address of such persons and file a copy thereof with the County Clerk on or before the first day of June of each year. Any female who upon being listed by the County Assessor shall claim her exemption to serve as a juror, shall not be listed by the said County Clerk in the preparation of the list of jurors. During the month of July of each year the County Clerk of each county in the state shall make up and revise in a book kept for that purpose a jury list containing the names of all the qualified jurors in the county. The County Clerk shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and having written the names of the jurors in each district upon slips of paper, which shall be similar in size, quality of paper, and writing, and shall deposit such slips in the jury box of the proper district. The jury list shall be revised from year to year, new lists being made up each year, adding thereto the names of new residents, and omitting therefrom the names of persons who have removed from the county, or who may have served as jurors within five years theretofore (unless they shall be necessary to make up a sufficient list) and the names of the new lists shall be deposited in the box for service for that year, as hereinbefore provided.

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

Passed the House January 31, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor February 26, 1921.

## CHAPTER 27.

[H. B. 16.]

## PUBLIC HIGHWAY.

AN ACT authorizing and directing the Governor to re-convey certain premises secured as part of proposed location of Pacific Highway, which location was afterward abandoned.

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

SECTION 1. The Governor is hereby authorized and directed, upon payment to King County, Washington, of the sum of \$1,500.00, to convey by quit claim deed to Ada Thorne, a widow, Fred G. Smithers and Ellen E. Smithers, his wife, Edwin M. Smithers and Ella D. Smithers, his wife, the following described premises, situate in King county, Washington, said premises having been heretofore deeded to the state of Washington for the sum of \$1,500.00, which was paid by King county as a part of the proposed location of the Pacific Highway, which proposed location was afterwards abandoned:

Quit claim  
of  
abandoned  
highway.

A strip of land 60 feet wide being 30 feet on each side of the center line of said road as surveyed over and across a tract of land in Government lot 16, section 18, township 23 north, range 5 east W. M., being in that portion of said lot 16 lying south of the C. M. & St. Paul Railway Company's right of way and being more particularly described as follows:

Commencing at the one-quarter section corner on the south side of said section 18, township 23 north, range 5 E. W. M., thence N. 82° 24' E. a distance of 36.0 feet to an intersection with the center line of the Pacific Highway as now located and of record in the office of the State Highway Commissioner at Olympia, thence turning an angle of 80° 26' to the left and running N. 1° 58' E. along the said center line of the Pacific Highway 10.3 feet to an intersec-

tion with the northerly boundary of the County Road and the true point of beginning.

Thence turning an angle of  $88^{\circ} 02'$  to the right and running east along the north boundary of said County Road 30.02 feet to an intersection with the easterly right of way line of the said Pacific Highway, thence turning an angle of  $88^{\circ} 02'$  to the left and running N.  $1^{\circ} 58'$  E. along the said easterly right of way line of the Pacific Highway 630.2 feet to an intersection with the southerly right of way line of the C. M. & St. P. Ry. Company's right of way, thence turning an angle of  $106^{\circ} 24'$  to the left and running S.  $75^{\circ} 34'$  W. along the southerly right of way line of the said C. M. & St. P. Ry. Company's right of way 62.54 feet to an intersection with the westerly right of way line of the said Pacific Highway, thence turning an angle of  $73^{\circ} 36'$  to the left and running S.  $1^{\circ} 58'$  W. along the said westerly right of way line of the Pacific Highway 596.8 feet to an intersection with the northerly boundary of the County Road, thence turning an angle of  $91^{\circ} 58'$  to the left and running east along the northerly boundary of the said County Road 30.02 feet to an intersection with the center line of the said Pacific Highway, the true point of beginning and containing 0.85 acres more or less.

Also a tract of land being in that portion of said lot 16, section 18, township 23 north, range 5 east W. M. lying north of the C. M. & St. P. Ry. Company's right of way and being more particularly described as follows:

Commencing at the one quarter section corner on the south side of said section 18, township 23 north, range 5 east, W. M., thence N.  $82^{\circ} 24'$  E. a distance of 36.0 feet to an intersection with the center line of the Pacific Highway as now located and of record in the office of the State Highway Commissioner at Olympia, thence turning an angle of

80° 26' to the left and running N. 1° 58' E. along the said center line of the Pacific Highway 718.4 feet to an intersection with the said center line of the Pacific Highway and the northerly right of way line of the C. M. & St. P. Ry. Company's right of way and being the true point of beginning.

Thence turning an angle of 73° 36' to the right and running N. 75° 34' E. along the said northerly right of way line of the C. M. & St. P. Ry. Company's right of way 31.27 feet to an intersection with the easterly right of way line of the said Pacific Highway; thence turning an angle of 73° 36' to the left and running N. 1° 58' E. along the said easterly right of way line of the Pacific Highway 591.8 feet to an intersection with the north boundary of said Government lot 16, thence due west along the said north boundary of Gov. lot 16, 60.0 feet to an intersection with the westerly right of way line of the said Pacific Highway, thence S. 1° 58' W. along the said westerly right of way line of the Pacific Highway 609.4 feet to an intersection with the said northerly right of way line of the C. M. & St. P. Ry. Company's right of way, thence turning an angle of 106° 24' to the left and running N. 75° 34' E. along the said northerly right of way line of the C. M. & St. P. Ry. Company's right of way 31.27 feet to the true point of beginning and containing 0.83 acres more or less.

Also a tract of land in the northwest quarter (NW $\frac{1}{4}$ ) of the southeast quarter (SE $\frac{1}{4}$ ) of section 18, township 23 north, range 5 east W. M. being more particularly described as follows:

Commencing at the one quarter section corner on the north side of said section 18, township 23 north, range 5 east W. M., thence N. 82° 24' E. a distance of 36.0 feet to an intersection with the center line of the Pacific Highway as now located and of record in the Office of the State Highway Com-

missioner at Olympia, thence turning an angle of  $80^{\circ} 26'$  to the left and running N.  $1^{\circ} 58'$  E. along the said center line of the Pacific Highway 1319.0 feet to an intersection with the south boundary of the said northwest quarter ( $NW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) of section 18 and the true point of beginning.

Thence due east along the south boundary of the said northwest quarter ( $NW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) 30.0 feet to an intersection with the easterly right of way line of the said Pacific Highway, thence N.  $1^{\circ} 58'$  E. along the said easterly right of way line of the Pacific Highway 694.8 feet, thence on the arc of a curve to the right having a radius of 97.35 feet a distance of 125.4 feet, thence turning an angle of  $180^{\circ} 00'$  to the left from a line tangent to the arc of said curve at said point and running S.  $75^{\circ} 46'$  W. 135.6 feet to an intersection with the westerly right of way line of the said Pacific Highway, thence turning an angle of  $73^{\circ} 48'$  to the left and running S.  $1^{\circ} 58'$  W. along the said westerly right of way line of the Pacific Highway 750.46 feet to an intersection with the said southerly boundary of the northwest quarter ( $NW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ), thence due east along the southerly boundary of the said northwest quarter ( $NW\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) a distance of 30.0 feet to an intersection with the center line of the said Pacific Highway, the true point of beginning and containing 1.072 acres more or less.

Passed the House February 2, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor February 26, 1921.

## CHAPTER 28.

[H. B. 146.]

## GOVERNOR.

AN ACT relating to the duties of the Governor and amending Section 8989 of Remington & Ballinger's Annotated Codes and Statutes of Washington (being Section 6653 of Pierce's Washington Code).

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

SECTION 1. That Section 8989 of Remington & Ballinger's Annotated Codes and Statutes of Washington (being Section 6653 of Pierce's Washington Code) be amended to read as follows:

Section 8989: The Governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him.

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime.

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any.

Passed the House February 11, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor February 28, 1921.

Keep  
records.

## CHAPTER 29.

[S. B. 168.]

## VETERANS' WELFARE COMMISSION.

AN ACT relating to the relief of veterans of the war with the central allied powers, repealing Chapter 9, Laws of 1919, and making an appropriation.

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

SECTION 1. The Veterans' Welfare Commission of the State of Washington shall on or before the 28th day of February, 1921, transfer to the State Adjutant Finance Officer of the American Legion, Department of Washington all moneys and personal property of every kind and description now in its possession or control and shall take receipts therefor and file such receipts with the proper state officer or department: *Provided*, that the records and files of the Veterans' Welfare Commission, including all promissory notes or other evidences of indebtedness due and owing to the state or said Commission, shall be transmitted to the State Auditor.

Transfer of  
all property.

SEC. 2. The moneys and personal property so transferred shall be used by the proper governing body of the American Legion, Department of Washington, for the relief of persons who served in the military, naval or air forces of the United States or its allies in the war with the Central Allied Powers and who shall be in necessitous circumstances through disability, lack of employment or any other cause. In such cases preference shall be given to the relief of veterans who shall be found to be suffering from some disability incurred in line of duty and for whom no provision has been made by the Federal government.

Use of  
money and  
property.

SEC. 3. All loans or advancements heretofore made by the Veterans' Welfare Commission under

Payment of  
loans and  
advance-  
ments.

the provisions of Chapter 9, Laws of 1919, shall be payable to the state auditor from and after the first day of March, 1921, but in such cases the state auditor shall transmit the amount thereof to the State Adjutant Finance Officer of the American Legion, Department of Washington, to be expended for the purposes specified in Section 2 of this act.

Repealing  
clause.

SEC. 4. Chapter 9, Laws of 1919, shall be repealed as of March 1, 1921.

Vetoed,  
L. F. H.

SEC. 5. There is hereby appropriated from the general fund for the American Legion, Department of Washington, the sum of twenty-five thousand dollars (\$25,000) to be expended for the purposes specified in Section 2 of this act.

Record of  
expendi-  
tures.

SEC. 6. The American Legion, Department of Washington, shall keep proper records of all expenditures which shall be audited by the director of efficiency.

Emergency.

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

Passed by the Senate February 24, 1921.

Passed by the House February 25, 1921.

Approved by the Governor, with the exception of section 5, which is vetoed, February 28, 1921.

## CHAPTER 30.

[H. B. 118.]

## FLOOD PREVENTION.

AN ACT relating to floods and providing for the prevention thereof.

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

SECTION 1. The State of Washington in the exercise of its sovereign and police power hereby authorizes any county alone or when acting jointly with any other county under any law to regulate and control the flow of waters, both navigable and non-navigable, within such county or counties, for the purpose of preventing floods which may threaten or cause damage, public or private.

County to regulate waters.

SEC. 2. Whenever the Board of County Commissioners of any such county or counties shall deem it essential to the public interest for such flood prevention purposes, such board or boards may remove drifts, jams, logs, debris, gravel, earth, stone or bars forming obstructions to the stream, or other material from the beds, channels and banks of such watercourses in any manner deemed expedient, including the deposit thereof on bars not forming obstructions to the stream, or on subsidiary or high water channels of such watercourses.

Removal of obstructions.

SEC. 3. Whenever any forest tree or trees shall be situated upon the bank of any such watercourse or so close thereto as to be in danger of falling thereinto, the owner or occupant of any such premises shall be notified to remove the same forthwith. Such notice shall be based upon resolution or order of the Board of County Commissioners of such county or counties and may be given by mail to the last known address of such owner or occupant. If such tree or trees shall not be removed within ten

Removal of trees from banks.

(10) days after the date of such notice, such county or counties may thereupon fell the same for the purpose of preventing such danger.

Passed the House February 8, 1921.

Passed the Senate February 16, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 31.

[H. B. 88.]

### INSURANCE.

AN ACT relating to insurance and amending section 6059-187 and repealing sections 6059-188 and 6059-189, Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6059-187, Remington & Ballinger's Annotated Code be amended to read as follows:

Section 6059-187. Standard Provision for Accident and Health Policies.

Subdivision (a). On and after the first day of January, 1922, no policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this state until a copy of the form thereof and of the classification of risks, if more than one class of risks is written and the premium rates pertaining thereto have been filed with the insurance commissioner; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the said commissioner shall sooner give his written approval

Health and  
accident.

thereto. If the said commissioner shall notify, in writing, the company, corporation, association, society or other insurer which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the said commissioner in this regard shall be subject to review by any court of competent jurisdiction: *Provided, however,* That nothing in this act shall be so construed as to give jurisdiction to any court not already having jurisdiction.

Subd. (b). No such policy shall be so issued or delivered (1) unless the entire money and other considerations therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) if the policy purports to insure more than one person; nor (4) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten-point; nor (5) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point; nor (6) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply: *Provided, however,* That any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in bold face type and with greater prominence than any other portion of the text of the policy.

Conditions  
precedent.

Subd. (c). Every such policy so issued shall contain certain standard provisions, which shall be

Standard  
provisions.

in the words and in the order hereinafter set forth and be preceded in every policy by the caption, "Standard provisions." In each such standard provision wherever the word "insurer" is used, there shall be substituted therefor "company" or "corporation" or "association" or "society" or such other word as will properly designate the insurer. Said standard provisions shall be:

(1) A standard provision relative to the contract which may be in either of the following two forms: Form (A) to be used in policies which do not provide for reduction of indemnity on account of change of occupation, and form (B) to be used in policies which do so provide. If form (B) is used and the policy provides indemnity against loss from sickness, the words "or contracts sickness" may be inserted therein immediately after the words "in the event that the insured is injured:"

(A) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance. No reduction shall be made in any indemnity herein provided by reason of change in the occupation of the insured or by reason of his doing any act or thing pertaining to any other occupation.

(B) 1. This policy includes the endorsements and attached papers, if any, and contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates in the event that the insured is injured after having changed his occupation to one classified by the insurer as more hazardous than that stated in the policy, or while he is doing any act or thing pertaining to any occupation so classified, except ordinary duties about his residence or while engaged in recreation, in which event the insurer will pay only such portion of the indemnities provided in the policy as the premium paid would have purchased

at the rate but within the limits so fixed by the insurer for such more hazardous occupation.

If the law of the state in which the insured resides at the time this policy is issued requires that prior to its issue a statement of the premium rates and classification of risks pertaining to it shall be filed with the state official having supervision of insurance in such state, then the premium rates and classification of risks mentioned in this policy shall mean only such as have been last filed by the insurer in accordance with such law, but if such filing is not required by such law then they shall mean the insurer's premium rates and classification of risks last made effective by it in such state prior to the occurrence of the loss for which the insurer is liable.

(2) A standard provision relative to changes in the contract, which shall be in the following form:

2. No statement made by the applicant for insurance not included herein shall avoid the policy or be used in any legal proceeding hereunder. No agent has authority to change this policy or to waive any of its provisions. No change in this policy shall be valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

(3) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness.

(A) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy,

but only to cover loss resulting from accidental injury thereafter sustained.

(B) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover such sickness as may begin more than ten days after the date of such acceptance.

(C) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance.

(4) A standard provision relative to time of notice of claim which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; form (B) to be used in policies which insure only against loss from sickness; and form (C) to be used in policies which insure against loss from both accident and sickness. If form (A) or form (C) is used the insurer may at its option add thereto the following sentence: "In event of accidental death immediate notice thereof must be given to the insurer."

(A) 4. Written notice of injury on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury.

(B) 4. Written notice of sickness on which claim may be based must be given to the insurer within ten days after the commencement of the disability from such sickness.

(C) 4. Written notice of injury or of sickness on which claim may be based must be given to the insurer within twenty days after the date of the

accident causing such injury or within ten days after the commencement of disability from such sickness.

(5) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the insurer shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice:

5. Such notice given by or in behalf of the insured or beneficiary, as the case may be, to the insurer at . . . or to any authorized agent of the insurer, with particulars sufficient to identify the insured, shall be deemed to be notice to the insurer. Failure to give notice within the time provided in this policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(6) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows:

6. The insurer upon receipt of such notice, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not so furnished within fifteen days after the receipt of such notice, the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(7) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided:

(A) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the date of the loss for which claim is made.

(B) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the termination of the period of disability for which the company is liable.

(C) 7. Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the insurer is liable, and in case of claim for any other loss, within ninety days after the date of such loss.

(8) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form:

8. The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder, and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law.

(9) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made, which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability. The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time, not more than sixty days, as it may desire; form (A) to be used in policies which do not provide indemnity for loss of time on account of disability and form (B) to be used in policies which do so provide.

(A) 9. All indemnities provided in this policy will be paid . . . after receipt of due proof.

(B) 9. All indemnities provided in this policy for loss other than that of time on account of dis-

ability will be paid.....after receipt of due proof.

(10) A standard provision relative to periodical payments of indemnity for loss of time on account of disability, which provision shall be in the following form, and which may be omitted from any policy not providing for such indemnity. The insurer shall insert in the first blank space of the form appropriate language to designate the proportion of accrued indemnity it may desire to pay, which proportion may be all or any part not less than one-half, and in the second blank space shall insert any period of time not exceeding sixty days:

10. Upon request of the insured and subject to due proof of loss.....accrued indemnity for loss of time on account of disability will be paid at the expiration of each.....during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.

(11) A standard provision relative to indemnity payments which may be in either of the two following forms: Form (A) to be used in policies which designate a beneficiary and form (B) to be used in policies which do not designate any beneficiary other than the insured:

(A) 11. Indemnity for loss of life of the insured is payable to the beneficiary if surviving the insured, and otherwise to the estate of the insured. All other indemnities of this policy are payable to the insured.

(B) 11. All the indemnities of this policy are payable to the insured.

(12) A standard provision providing for cancellation of the policy at the instance of the insured which shall be in the following form:

12. If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy, the insurer, upon written request of the insured and surrender of the policy, will cancel the same and will return to the insured the unearned premium.

(13) A standard provision relative to the rights of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary:

13. Consent of the beneficiary shall not be requisite to surrender or assignment of this policy, or to change of beneficiary, or to any other changes in the policy.

(14) A standard provision limiting the time within which suit may be brought upon the policy as follows:

14. No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

(15) A standard provision relative to time limitations of the policy as follows:

15. If any time limitation of this policy with respect to giving notice of claim or furnishing proof of loss is less than that permitted by the law of the state in which the insured resides at the time this policy is issued, such limitation is hereby extended to agree with the minimum period permitted by such law.

Subd. (d). No such policy shall be so issued or delivered which contains any provision (1) relative to cancellation at the instance of the insurer; or (2) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the

premium has been paid; or, (3) providing for the deduction of any premium from the amount paid in settlement of claim; or, (4) relative to other insurance by the same insurer; or, (5) relative to the age limits of the policy; unless such provisions which are hereby designated as optional standard provisions, shall be in the words and in the order in which they are hereinafter set forth, but the insurer may at its option omit from the policy any such optional standard provision. Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in subd. (c) of this section.

(1) An optional standard provision relative to cancellation of the policy at the instance of the insurer as follows:

16. The insurer may cancel this policy at any time by written notice delivered to the insured or mailed to his last address, as shown by the records of the insurer, together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured, and such cancellation shall be without prejudice to any claim originating prior thereto.

(2) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy as follows:

17. If the insured shall carry with another company, corporation, association or society other insurance covering the same loss without giving written notice to the insurer, then in that case the insurer shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss, and for the return of such part of the premium paid as shall exceed the *pro rata* for the indemnity thus determined.

(3) An optional standard provision relative to deduction of premium upon settlement of claim as follows:

18. Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

(4) An optional standard provision relative to other insurance by the same insurer which shall be in such one of the following forms as may be appropriate to the indemnities provided, and in the blank spaces of which the insurer shall insert such upward limits of indemnity as are specified by the insurer's classification of risks, filed as required by this section.

(A) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity in excess of \$....., the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

(B) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss of time on account of disability in excess of \$.....weekly, the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

(C) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss other than that of time on account of disability in excess of \$....., or the aggregate indemnity for loss of time on account of disability in excess of \$.....weekly, the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured.

(5) An optional standard provision relative to the age limits of the policy which shall be in the fol-

lowing form and in the blank spaces of which the insurer shall insert such number of years as it may elect:

20. The insurance under this policy shall not cover any person under the age of.....years nor over the age of.....years. Any premium paid to the insurer for any period not covered by this policy will be returned upon request.

Subd. (e). No such policy shall be so issued or delivered if it contains any provision contradictory, in whole or part, of any of the provisions hereinbefore in this act designated as "Standard provisions" or as "Optional standard provisions"; nor shall any endorsement or attached papers vary, alter, extend, be used as a substitute for, or in any way conflict with any of the said "Standard provisions" or the said "Optional standard provisions"; nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter, constitution or by-laws of the insurer a part of the policy unless such portion of the charter, constitution or by-laws shall be set forth in full in the policy, but this prohibition shall not be deemed to apply to any statement of rates or classification of risks filed with the insurance commissioner in accordance with the provisions of this section.

Provisions  
contrary  
to those  
authorized.

Subd. (f) The falsity of any statement in the application for any policy covered by this section shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

False state-  
ments in  
application.

Subd. (g). The acknowledgement by any insurer of the receipt of notice given under any policy covered by this section, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder

Defenses of  
insurer not  
waived.

shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy.

Unauthor-  
ized altera-  
tions of  
application.

Subd. (h). No alteration of any written application for insurance by erasure, insertion or otherwise, shall be made by any person other than the applicant without his written consent, and the making of any such alteration without the consent of the applicant shall be a misdemeanor. If such alteration shall be made by any officer of the insurer, or by any employee of the insurer with the insurer's knowledge or consent, then such act shall be deemed to have been performed by the insurer thereafter issuing the policy upon such altered application.

Policy in  
violation of  
law valid.

Subd. (i). A policy issued in violation of this section shall be held valid but shall be construed as provided in this section and when any provision in such a policy is in conflict with any provision of this section the rights, duties and obligations of the insurer, the policy holder and the beneficiary shall be governed by the provisions of this section.

Application  
of act.

Subd. (j) (1). Nothing in this section, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

(2) Nothing in this act shall apply to or in any way affect contracts of life or endowment insurance

or contracts supplemental thereto, where such contracts or supplemental contracts contain no provisions relating to accident or health insurance except accidental death benefits and except such as operate to safeguard such insurance against lapse, or to give a special surrender value or an annuity providing for payments during the lifetime of the insured, with or without reduction of the sum insured in the event that the insured shall be totally and permanently disabled from any cause: *Provided*, That no such supplemental contract shall be issued or delivered to any person in this state unless and until a copy of the form thereof has been submitted to and approved by the insurance commissioner, under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him.

(3) The provisions of this act contained in clause (5) of subdivision (b) and clauses (2), (3), (8) and (12) of subdivision (c) may be omitted from railroad ticket policies sold only at railroad stations or at railroad ticket offices by railroad employees.

SEC. 2. Sections 6059-188 and 6059-189, Remington & Ballinger's Code are hereby repealed.

Repealing  
clause.

Passed the House February 3, 1921.

Passed the Senate February 16, 1921.

Approved by the Governor March 1, 1921.

## CHAPTER 32.

[S. B. 88.]

## STATE HIGHWAYS.

AN ACT relating to acquirement of lands for rights of way and drainage of state highways, and amending section 5872, Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5872 of Rem. & Bal. Code be amended to read as follows:

Acquiring  
land.

Section 5872. Whenever it is necessary to secure any lands for a right-of-way for a state highway, or for the drainage thereof, the supervisor of highways is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands, the action shall be brought in the name of the state under the provisions of sections 891 to 900, both inclusive, of Rem. & Bal. Code, and in such action the selection of the lands by the supervisor of highways shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for the purpose sought. The cost of such lands may be paid from the fund apportioned to the State road for which such right of way or drainage is acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, the supervisor of highways shall file in the office of the state land commissioner a map showing the location of such road over and across such lands with reference to a United States govern-

ment survey, and upon the filing of such map the easement for such right of way shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way.

SEC. 2. That the state highway commissioner shall exercise all the powers and perform all the duties herein required of and authorized to be performed by the supervisor of highways, until such time as such officer shall be appointed, qualify, and assume and exercise the duties of his office.

Exercise of  
powers  
delegated.

Passed by the Senate February 7, 1921.

Passed by the House February 17, 1921.

Approved by the Governor March 1, 1921.

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## CHAPTER 33.

[S. B. 4.]

### UNITED STATES SENATORS.

AN ACT empowering the Governor to make temporary appointments to fill vacancies in the office of United States Senator.

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

SECTION 1. When a vacancy happens in the representation of this state in the Senate of the United States the Governor shall be, and he is hereby, empowered to make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election.

Appointed  
to fill  
vacancy.

Passed by the Senate February 2, 1921.

Passed by the House February 23, 1921.

Approved by the Governor March 2, 1921.

## CHAPTER 34.

[S. S. B. 32.]

## McCLELLAN PASS.

AN ACT relating to highways, and changing the name of the McClellan Pass highway to the Naches Pass highway.

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

SECTION 1. The name of that certain primary state highway established by section 6 of chapter 164 of the Laws of 1915 as the McClellan Pass highway, is hereby changed to, and said highway shall be known as, the Naches Pass highway.

Passed by the Senate February 9, 1921.

Passed by the House February 23, 1921.

Approved by the Governor March 2, 1921.

Name  
changed  
to Naches  
Pass.

## CHAPTER 35.

[S. B. 86.]

## STATE HIGHWAYS.

AN ACT relating to selection of routes for state highways, and amending Section 5878-7, Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That Section 5878-7 of Remington & Ballinger's Annotated Codes and Statutes of Washington be, and the same hereby is amended to read as follows:

Section 5878-7. Routes. Whenever the general route of any state highway shall be designated and laid out by the legislature as running to, through or between certain designated points, without specify-

Routes.

ing the particular route to be followed to, through or between such points, the State Highway Board shall determine the particular route to be followed by said highway to, through or between said designated points, and shall be at liberty to select and adopt as a part of such highway, the whole or any part of any existing state or county road, or to deviate in whole or in part from any existing state or county road. The State Highway Board need not select and adopt the entire route for such highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable.

Passed by the Senate February 7, 1921.

Passed by the House February 23, 1921.

Approved by the Governor March 2, 1921.

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## CHAPTER 36.

[H. B. 133.]

### STATE TREASURER.

AN ACT relating to and providing for the appointment of an assistant state treasurer and a deputy state treasurer.

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

SECTION 1. The state treasurer shall have the power to appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer as such, and in case of a vacancy in the office of state treasurer, perform the duties of said office until the vacancy is filled as provided by law. The state treasurer shall have power to appoint a deputy state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer as such. The assistant state treasurer

Appoint-  
ment of  
assistant  
and deputy.

and the deputy state treasurer shall hold office at the pleasure of the state treasurer and shall respectively, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers, and shall give surety bonds in such sum as the state treasurer shall deem sufficient for the faithful performance of their duties, which bonds shall be approved and filed as other state officials' bonds. The state treasurer shall be held responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurer.

Passed the House February 9, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor March 2, 1921.

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## CHAPTER 37.

[S. B. 151.]

### GAME AND GAME FISH.

AN ACT relating to the protection, propagation, introduction, purchase, disposition and restoration of game birds, game animals, fur-bearing animals and game fish; creating certain officers, defining their powers and duties; relating to licenses for hunting, fishing and trapping; authorizing the closing, opening and shortening of hunting and fishing seasons; regulating the transportation and possession of game animals, game birds, game fish and fur-bearing animals; providing penalties for violation and repealing Sections 5347, 5351, 5395-2, 5395-3, 5395-4, 5395-8, 5395-25, 5395-27, 5395-33, 5395-35, 5395-36, 5395-38, 5395-41 and 5395-42 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and Section 7 of Chapter 164, of the Session Laws of 1917, and all other laws in conflict therewith.

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

SECTION 1. The Director of Fisheries and Game through and by means of the Division of Game and Game Fish, shall have the management and author-

ity to regulate the propagation and preservation of all game animals, game birds, game fish, and harmless birds and animals, and the collection of game fish spawn and the distribution of the same; also the distribution of fry and adult fish in any of the rivers, lakes and streams of the State, and the right to import such spawn and fry and adult fish as may be deemed advisable; and when so propagated, taken or imported, to distribute the same to the various counties as necessities and adaptabilities may require; also the right to purchase, sell, lease or exchange real or personal property; also the right at any season of the year to take any specimen or specimens of game animals, game birds or game fish, or migratory birds for informative, scientific or research purposes.

The county game commission shall be appointed on the recommendation of the board of county commissioners of each county, but in case the county commissioners fail to recommend such county game commissioners for appointment upon the request of the supervisor of game and game fish within ten days after written notice so to do, then and in that event the supervisor of game and game fish may appoint such commissioners.

The game commissioners for each county shall appoint a county warden. Each county warden shall receive a salary to be fixed by the Game Commission of each county which salary shall be paid out of the county game fund, and no salary shall be fixed by said commission in excess of the available funds.

The Director of Fisheries and Game, through and by means of the supervisor of game and game fish, shall have general supervision and control of the county game wardens and county deputy wardens, and may transfer them on official business from one county to another whenever in his judgment it

is advisable so to do. The expenses of such transfer are to be borne from the game fund of the county to which the transfer is made.

The Director of Fisheries and Game shall classify such fish as game fish which are so identified by science, and which are not specifically so classified by statute. He shall give notice of such classification by publication in a newspaper of general circulation, published at the State Capital, and from and after the date specified in said notice the fish so classified shall only be taken in accordance with the provisions of this act governing the taking of game fish.

The Director of Fisheries and Game, through and by means of the supervisor of game and game fish, shall have the power to authorize the importation of game birds, animals and fish, and authority to regulate and license the sale and transportation thereof within the State of Washington. The license fee for an importer shall be twenty-five dollars (\$25.00) per annum. The license fee for the keeper of a hotel, restaurant, boarding house, club or any retail dealer shall be five dollars (\$5.00) per annum, and each carcass shall be separately tagged as provided by Chapter 72 of the Session Laws of 1919.

SEC. 2. It shall be the duty of each county warden to make a report annually on March 1st each year to the Director of Fisheries and Game, which report shall be made on blanks to be provided by the Director of Fisheries and Game, and shall contain such information as he may deem advisable, and the Director of Fisheries and Game shall biennially, as of March 1st, make a report to the Governor of the State, which said report shall contain all the information concerning the acts of the county game wardens; also report on such game and game fish as may have been propagated and distributed under his direction, and all such other acts connected with

Annual  
report by  
county  
wardens.

the enforcement of the game laws as may come to his notice.

The Director of Fisheries, through and by means of the supervisor of game and game fish, the various game commissions, and the county wardens shall have jurisdiction to enforce all of the laws of the state relating to game birds, game animals, game fish and fur-bearing animals.

Enforce-  
ment of  
laws.

The county game commission shall be provided with a furnished office in the court house in each county, at the county seat.

SEC. 3. Said county game commission shall enforce the laws of the state within their respective counties involving the protection, propagation and disposition of all game birds, game animals, game fish, fur-bearing animals, and harmless birds and animals. Said county game commission shall have charge of the regulation, disposition, and distribution of:

County  
game  
commission  
powers.

1. The classification, propagaion [propagation] and preservation of such varieties of game, game fish and fur-bearing animals as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act.

3. The construction, control and management of all county game and game fish hatcheries, including the control of grounds owned or leased for such purposes; also the right to purchase, sell, lease or exchange real or personal property: *Provided*, That whenever any county game commission desires to establish a game fish hatchery it shall be the duty of the Director of Fisheries and Game, through and by means of the supervisor of game and game fish, to supervise the erection of such hatchery and the planting of any fish fry or spawn taken from such hatchery: *And. provided further*, That no person

in the State of Washington shall plant any game fish, game fish fry or spawn in any of the bodies of water in the State of Washington without the written consent of the Director of Fisheries and Game, or the Supervisor of Game and Game Fish.

4. The receiving from the United States Fish Commissioner or other source, and the gathering, purchase and distribution to the waters of this state of all game fish, spawn or fry.

5. The taking of game and game fish in the State of Washington and the propagation and distribution of same.

6. The seizure and disposition of all game birds, game animals, fur-bearing animals, game fish or parts thereof either taken, killed, transported or possessed contrary to law, and of all dogs, guns, seines, nets, boats and lights unlawfully used or held with intent to use in pursuing, taking, attempting to take, concealing or disposing of the same.

The superior courts of the respective counties shall, upon petition of the game commission, fix the time, manner and notice of sale of such property as may be abandoned, forfeited or confiscated, and described in the petition, the proceeds of such sale to be placed to the credit of the county game fund.

7. The county game commission in their respective counties shall have the power and authority to set aside any of the state, school or granted lands, all waters lying below extreme low tide, all waters of meandered streams, rivers and lakes lying beyond the outer harbor area, and such other lands as the individual owners thereof from time to time give their consent and approval in writing, also such of the National Forest Reserve areas as the chief forester of the National Forest Service of the United States shall consent in writing to be set aside as game preserves wherein no game bird, game animal, or fur-bearing animal or any one or more of them,

can be hunted, pursued, trapped, caught or killed within the boundaries thereof, for such time and so long as they may see fit and proper; to acquire in Class A counties by gift, purchase, lease or condemnation, such lands, water supply and rights of way therefor, as may be deemed necessary for the use of said commission for hatchery sites, trap sites and sanctuaries, and to acquire the rights of way to the nearest public highway; said rights to be exercised in the same manner and by the same procedure as provided by the laws of this state for municipal corporations.

8. The county game commissioners shall be paid out of the county game fund their actual traveling expenses when actually engaged in the transaction of their official duties, and may expend from the county game fund of their respective counties a sum not to exceed twenty dollars (\$20.00) as annual dues to the State Association of County Game Commissioners and Game Wardens, the purpose of which organization is the protection, propagation and distribution of game animals, game birds, and game fish, and for the prosecution of violations of the laws of this state relating thereto. All payments made under the provisions of this act shall be made by county or state warrants respectively and all claims against the said county game fund shall be audited by the county game commission in their respective counties, and all claims against the state game funds shall be audited by the supervisor of game and game fish, who shall have authority when occasion demands, to appoint deputy state game wardens and assign them to such places in the state as in his judgment may be necessary. Such special deputies may be employed for such length of time and at such salaries together with their necessary traveling expenses, as may be fixed by the supervisor of game and game fish. Such salaries and traveling ex-

penses for the special deputy game wardens shall be paid from the state game fund.

The State Association of County Game Commissioners and Game Wardens shall meet at least once each year on dates and at places to be fixed by themselves.

The expenses of the game commissioners and game wardens in attending an annual meeting of said Association shall be paid from the game fund of the respective counties.

At each annual meeting there shall be selected from the membership of the county game commissioners of said Association an advisory committee of five (5) members, which committee shall serve until the next annual meeting of the Association. Said advisory committee shall sit with the Director of Fisheries and Game in the apportioning of any moneys which may be appropriated from the State Game Fund, for the assistance of those counties which the Director of Fisheries and Game, and said committee shall deem to be in need of financial assistance for the proper carrying on of the work of said county game commission, and each member of said advisory committee shall have an equal voice with the Director of Fisheries and Game in the apportioning of said fund.

The Director of Fisheries and Game through and by means of the supervisor of game and game fish shall have authority to call the advisory committee into consultation at any time and place he so desires, relative to the conduct, management, propagation and distribution of game birds, game animals and game fish.

All traveling expenses of the advisory committee in attending all meetings shall be paid from the state game fund.

9. Upon written application by the full membership of any county game commission to the Director

of Fisheries and Game, permission may be granted by the Director of Fisheries and Game through and by means of the supervisor of game and game fish to entirely close or to shorten to such time as they deem expedient, the open season fixed by statute, or after the season has been closed or shortened as aforesaid, to reopen the same for all or any portion of the time fixed by statute, which they may deem expedient, or [for] any of the game birds, fur-bearing or game animals and game fish of the State, in their respective counties; and shall have authority to fix the daily, weekly or season bag limit on all game birds, game fish and game animals. All applications to open, close or shorten the season shall be made at least thirty (30) days prior to the date proposed for the opening of the season. The county game commission shall cause to be published a notice of the closing or shortening of the open season or of the reopening of the season closed as aforesaid, and the number fixed as the bag limit shall be given by publication in a newspaper published and of general circulation in the county affected, not less than three weeks prior to the opening of the season so fixed, which notice shall also be posted in the office of the auditor of such county, and the respective game commissions are hereby authorized to give any other notice thereof as they may deem advisable: *Provided, however,* that the provisions of this paragraph shall not apply to migratory birds as mentioned in Section 7 [6] of this act: *Provided,* that no deer or upland game birds shall be removed from Island or San Juan counties without first having obtained from the County Game Warden or deputy County Game Warden a permit for such removal. Paying a fee therefor as follows:

For permit to remove 1 deer.....	\$10.00.
For permit to remove grouse or pheasant	.20c each
For permit to remove quail.....	.05c each

*Provided further,* That any person violating any of the rules and regulations of the county game commission when approved by the director of fisheries and game thru the Supervisor of Game and Game Fish shall be guilty of a misdemeanor.

Official  
bonds.

SEC. 4. All appointees of the county game commission shall give bonds in amounts to be approved by the county game commission, and said bonds filed in the office of the county auditor, conditioned for the faithful discharge of their respective duties, and to account for all funds and property coming into their hands.

Penalty.

SEC. 5. Every person who shall within the State of Washington hunt, pursue, take, kill, injure, destroy or possess any ruffed grouse, Hungarian partridge, prairie chicken, sage hen, Chinese, English, golden, Mongolian, silver, black-neck or Japanese pheasant, blue grouse, Franklin grouse, wild turkey, scaley partridge, Reeves pheasant, or any species of quail or any species of upland game birds, except as herein provided, shall be guilty of a misdemeanor: *Provided,* That it shall be lawful to hunt, pursue, take, kill or possess the above named game birds between the first day of September and the 1st day of December, both dates inclusive of the same year, unless such season be shortened or closed by the unanimous action of the Director of Fisheries and Game through and by means of the supervisor of game and game fish and the county game commission of the respective counties.

No person shall, within the State of Washington take or needlessly destroy the nest or the eggs of any game bird or any wild bird other than a game bird, or have such nest or eggs in his possession, except as permitted by this act. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor.

SEC. 6. Every person who shall between the sixteenth day of January and the thirtieth day of September, both dates inclusive of the same year, hunt, pursue, take, kill, injure, destroy or possess any species of migratory birds commonly known as wild goose, brant, wild duck, coot, rail, plover, snipe, sandpiper, curlews, avocets, stilts, turnstone, oyster catcher, phalaropes, or other species of birds, black-breasted and golden plover, jacksnipe or Wilson snipe, or greater or lesser yellow-legs, or who shall hunt, pursue, take or kill any of the birds above mentioned in this section after sunset or one-half hour before sunrise, shall be guilty of a misdemeanor.

Migratory  
birds.

SEC. 7. No person shall, between the first day of January and the 31st day of December of the same year, catch, take, kill or have in his possession more than 50 game fish in any one day, nor more than twenty pounds and one game fish in any one day, nor more than thirty pounds and one game fish in any one calendar week, nor in any other manner than by angling for them with hook and line held in the hand or attached to a rod so held, and no person shall have in his possession any game fish caught, taken or killed in any of the waters of this state, except as provided in this chapter. No person shall fish in any stream or lake above any natural barrier or waterfall, where salmon do not run, with fresh salmon eggs used as a decoy or bait. Any person violating this section shall be guilty of a misdemeanor.

Limit for  
fish.

SEC. 8. No person shall, within the State of Washington, hunt, catch, take, kill, ship, convey or cause to be shipped or transported by common or private carrier to any person either within or without the state, purchase, expose for sale, have in possession with intent to sell, sell to any person or have

Limit for  
game.

in possession or under control at any time, any elk, moose, caribou, deer, fawn, mountain sheep or mountain goat, or any part thereof, including the hides, horns or hoofs except as herein provided: *Provided*, That one buck deer only may be killed in the counties lying east of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties between October first and November 15th of the same year: *Provided*, That in the above described section of the state, it shall be unlawful at any time for any person to have in his possession, dead or alive, any female deer: *And provided further*, that no person may kill more than two deer from October first up to and including November first of the same year in the counties lying west of the eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties, and any deer lawfully killed or any part thereof may be had in possession by any person during the said time. No person shall kill or have in his possession during said time more than two deer or parts thereof: *Provided*, That only one buck deer may be killed in the counties of Whatcom, Skagit, Clallam and Snohomish, and that in said counties of Whatcom, Skagit, Clallam and Snohomish it shall be unlawful at any time for any person to have in his possession, dead or alive, any female deer: *And provided further*, That any person who is lawfully in possession of any deer or any parts thereof, may ship or cause to be shipped, any such deer, or any part thereof, from place to place within the state: *And provided further*, That after the year 1925 male antlered moose and elk may be killed between October first and fifteenth of the same year, and such male elk or moose, or part thereof, may be had in possession by any person during the time aforesaid, but no person shall kill or have in possession during said time more than one male antlered elk or moose,

or part thereof: *And provided further*, that any person desiring to retain any game bird, game animal or game fish, or any part thereof, for human consumption or ornamental purposes, after the close of the season when the same was lawfully taken, may do so by furnishing the county game commission of the county wherein he desires to retain the same, a true and correct description thereof, giving the number, kind or kinds, and designating the place where the same is stored with reasonable certainty. The game commission or game warden shall have authority to tag or stamp the same for the purpose of identification, without materially damaging the same.

SEC. 9. It shall be unlawful for any person to hunt, pursue, catch, kill or take any of the game or fur-bearing animals, game birds or game fish protected by the laws of this state during the season when it is lawful to hunt, pursue, take or kill the same without such person having procured before the time of such hunting, pursuing, catching or killing, a hunting, fishing or trapping license therefor duly issued to him by the county auditor.

License  
required.

The licenses provided for in this act shall be issued by the county auditors of the respective counties, and shall be as follows:

(a) A resident citizen of this state may obtain a hunting and fishing license by paying the county auditor the sum of one dollar and fifty cents (\$1.50), which shall entitle the holder thereof to hunt or fish within the county where such license is issued until the first day of March next following the date of its issuance, at any time when it is otherwise lawful to hunt or fish. Any county auditor shall issue a hunting and fishing license for any one or more counties of the state and shall transmit the fees to the auditors of the counties for which the licenses

were issued at the close of each month's business, together with the record thereof.

(b) Any person who is a resident citizen of this state may obtain from any county auditor a state hunting and fishing license by the payment of seven dollars and fifty cents (\$7.50) which license shall entitle the holder thereof to hunt and fish in any part of the state until the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish within said state.

(c) A citizen non-resident of the State of Washington may obtain a hunting and fishing license by paying to the county auditor the sum of ten dollars (\$10.00) which shall entitle the holder thereof to hunt and fish in any county in the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county.

(d) *Provided, however,* that a county fishing license shall entitle the holder thereof to fish on either side of any stream or river, when the said stream or river shall constitute the boundary between two counties.

(e) Any alien may obtain a hunting and game fishing license by paying to the county auditor the sum of ten dollars (\$10.00) which shall entitle the holder thereof to hunt and catch game fish in any county in the state up to and including the first day of March next following the date of its issuance, when it would otherwise be lawful to hunt or fish in said county: *Provided,* such alien is authorized to carry firearms under the laws of this state, which permit shall be exhibited to the county auditor at the time of applying for such license.

(f) The county auditor shall, upon application and the payment of two dollars and fifty cents (\$2.50) issue to any citizen non-resident of this state a license to take, catch, or kill any game fish in any

lawful manner within the county where the license is issued, whenever it is lawful to take, kill or catch any game fish.

(g) Licenses issued under the provisions of this act shall be non-transferable, and any person hunting or fishing shall, upon demand of any warden, or deputy warden, exhibit his license, and a failure or refusal to exhibit such license shall be *prima facie* evidence that such person has no license.

(h) Any person hunting or fishing without having obtained the license or not having same in his possession as herein provided for, or doing any other act which by this act is declared to be unlawful, in cases where no other specific penalty is provided, shall be guilty of a misdemeanor.

(i) *Provided, however,* that nothing in this act shall prevent any woman, or minor under the age of sixteen (16) years, who is an actual resident of this state, from fishing at any time when it is otherwise lawful to fish.

SEC. 10. In applying for any license under this act the applicant shall make a written application which shall describe the applicant as to citizenship, age, weight, height and complexion, and the license issued shall contain the said description as contained in said application, and in all cases other than that of a non-resident the application shall be accompanied by a statement to the effect that he is an alien or a resident citizen of the State of Washington, giving his place of residence, and any person who falsely states that he is a resident of the State of Washington when he is not such, shall be guilty of a misdemeanor.

Application  
for license.

SEC. 11. It shall be unlawful to hunt, take, kill or trap, snare or destroy any black, brown, or cinnamon bear between the first day of May and the first day of September of any year, except when such

Bear.

bear becomes predatory, or destructive of domestic animals.

*Provided*, That it shall be lawful to sell or otherwise dispose of the carcass and pelt, and to trap bear as other fur-bearing animals are trapped.

Predatory  
and  
destructive  
animals.

SEC. 12. The English or European hawk sparrow, jays, magpies, kingfishers, crows and such hawks, falcons and owls as are destructive of domestic fowls and game birds, are not included among the birds protected by this act. *Provided*, That the game commissions of the respective counties may, acting through those authorized by them, destroy game birds and game or fur-bearing animals, when same become predatory and destructive of property.

Shooting  
restrictions.

SEC. 13. It shall be unlawful at any time to shoot from any air craft or from, across or along any public highway or railway, or while in any motor or steam driven or horse drawn vehicle or railroad speeder propelled by motor or man power, at any game bird or game animal within the State of Washington, and in any prosecution it shall not be necessary to prove that the defendant in so shooting actually killed a game bird or game animal: *Provided*, That it shall be lawful to kill predatory animals and predatory birds at any time, in any place and in any manner. Any person or persons violating any of the provisions of this section shall be guilty of a misdemeanor.

Dogs in  
wooded  
sections.

SEC. 14. It shall be unlawful for any person to have with him either loose or in leash any dog in any wooded section of any county of the state during the time in each year when it is lawful to hunt deer in such county, without having first obtained and being in force a written permit so to do, issued by the unanimous vote or action of the game commissioners of such county. *Provided*, that this section shall not apply to the counties lying east of the

eastern boundaries of Whatcom, Skagit, Snohomish, King, Pierce, Lewis and Skamania counties.

SEC. 15. Any person who hunts for any of the protected game animals, game birds or game fishes with a jack light or other artificial light of any class, kind or description, or is found after sunset in any wooded section or other place where deer may reasonably be expected, with any torch, lamp, lantern, electric, acetylene, gas or any other artificial light in his possession shall be guilty of a misdemeanor: *Provided*, that if the defendant show to the satisfaction of the court that he was not hunting deer by himself or in company with another, and was using such artificial light for a lawful purpose, he shall be discharged.

Use of  
artificial  
light  
prohibited.

SEC. 16. No person over the age of sixteen (16) years shall trap any fur-bearing animal at any time, without first having paid to the county auditor in each county in which he is trapping, the sum of five dollars (\$5.00) and procured a license therefor, which license shall expire on the 28th day of February following its issue; *Provided*, That land owners and lease holders trapping upon their own premises shall be exempt; *Provided further*, that muskrats and moles may be trapped or killed in any manner at any time when injuring any field, garden, dyke, ditch, dam, embankment or public highway, by applying to the county game warden for a written permit so to do; *Provided further*, that all sums paid to the county auditor for trapper's licenses shall be placed to the credit of the county game fund.

Trapping  
fur-bearing  
animals.

SEC. 17. It shall be unlawful for any person to shoot at any migratory bird with a rifle, while such bird is in any lake, river or stream, or while such bird is upon any island or bar in any river or lake. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Shooting at  
migratory  
birds.

Penalty for  
violations.

SEC. 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars, together with the cost of prosecution, or by imprisonment for not exceeding thirty days in the county jail or both at the discretion of the court, for each offense. The killing of every single bird, animal or fish, protected by the laws of this state, shall constitute a separate offense. All fines collected under the provisions of this act shall be turned over to the treasurer of the county in which such action is brought, and by him placed in the county game fund.

Repealing  
clause.

SEC. 19. Sections 5347, 5351, 5395-2, 5395-3, 5395-4, 5395-8, 5395-25, 5395-27, 5395-33, 5395-35, 5395-36, 5395-38, 5395-41, and 5395-42 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and Section 7 of Chapter 164, of the Session Laws of 1917, and all other acts or parts of acts inconsistent with the provisions of this chapter are hereby repealed.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed by the Senate March 1, 1921.

Passed by the House March 1, 1921.

Approved by the Governor March 2, 1921.

## CHAPTER 38.

[S. B. 31.]

## COMMISSIONER OF PUBLIC LANDS.

AN ACT authorizing and directing the Commissioner of Public Lands to issue a correction deed for certain state lands.

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

SECTION 1. The Commissioner of Public Lands is hereby authorized and directed to issue to W. C. Bentley a correction deed for tract 14 of the Subdivision of Section 36, Township 28 North, Range 2 West, in Jefferson County in lieu of that certain deed heretofore issued by the State of Washington, pursuant to contract of sale No. 4635 and recorded on page 313 of volume 6 of State Record of Deeds, which said correction deed shall contain the same terms and conditions as the original deed except that the correction deed shall not contain a clause reserving to the state the minerals therein.

Corrected  
deed to W.  
C. Bentley.

Passed by the Senate January 27, 1921.

Passed by the House February 23, 1921.

Approved by the Governor March 3, 1921.

CHAPTER 39.

[H. B. 112.]

PORT DISTRICTS.

AN ACT relating to port districts, providing for the formation of districts and the nomination of commissioners in certain cases, for the publication of notices and validating port districts heretofore created and bonds heretofore issued, and amending Section 4485 Pierce's Code by adding thereto certain sections.

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

SECTION 1. That section 4485 Pierce's Code be amended by adding thereto a new section to be known and designated as section 4485-15, as follows:

Comprising less than county.

Section 4485-15. When it is desired to create a port district comprising territory less than the entire county in other than class A counties, the county commissioners shall, upon petition of ten per cent or more of the electors residing within the proposed boundaries of such proposed district based on the total vote at the last general election within such area, submit to the qualified electors residing within such proposed district the proposition of creating such port district. If at any such election a majority of the votes cast thereon shall be in favor of establishing such port district and the total vote cast upon such question shall equal one-third of the total vote cast at the last preceding general election within such area, such port district shall be established.

SEC. 2. That section 4485 Pierce's Code be amended by adding thereto a new section to be known and designated as section 4485-16, as follows:

Nominations for port commissioners.

Section 4485-16. Nominations for port commissioners in any port district having a population less than fifteen hundred may be made by petition signed

by a number of qualified voters equaling ten per cent. or more of the qualified voters residing within the area of said port district.

SEC. 3. That section 4485 Pierce's Code be amended by adding thereto a new section to be known and designated as section 4485-17, as follows:

Section 4485-17. Notices required in port districts in which no newspaper is published may be given by publication in any newspaper of general circulation in the county.

Notice when  
no news-  
paper in  
district.

SEC. 4. That section 4485 Pierce's Code be amended by adding thereto a new section to be known and designated as section 4485-18, as follows:

Section 4485-18. Port commissioners of any port district are hereby authorized to accept for and on behalf of said port district gifts of real and personal property and to expend in improvements and betterment such amount as may be necessary.

Gifts.

SEC. 5. That section 4485 Pierce's Code be amended by adding thereto a new section to be known and designated as section 4485-19, as follows:

Section 4485-19. In every case where the county commissioners of any county in other than class A counties, after having first submitted the proposition of creating a port district to the voters within any proposed area, have thereafter, upon a favorable vote on said proposition, by order, act, or resolution created or formed, or attempted to create or form, a port district, such port district so created or formed, or attempted to be created or formed, is hereby declared to be a valid port district, fully clothed with all the power and authority vested by law in port districts, and all proceedings in connection with the formation of any such port district are hereby fully validated, notwithstanding any irregularities or

Validity of  
formation  
of district.

omissions in the procedure by which any such district was formed.

Passed the House February 11, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor March 3, 1921.

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## CHAPTER 40.

[H. B. 176.]

### BUDGET SYSTEM FOR STATE OFFICERS AND INSTITUTIONS.

AN ACT relating to the budget for state offices, departments and institutions, providing penalties, and amending 6648 Pierce's Code.

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

SECTION 1. That section 6648 Pierce's Code (chapter 126 of the Laws of 1915) be amended by adding thereto a new section to be known as section 6648-6, to read as follows:

Section 6648-6. Every officer, or directing head of any department or institution, or member of a commission, board or bureau, or employe, of the state, who shall fail to file the statement provided for in section one of this act, on the form and in the manner and at the time provided in said section one, shall forfeit ten dollars per day for each day's delay, and the state auditor is hereby directed to deduct and withhold said forfeit from the salary of those so offending.

Passed the House February 15, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor March 3, 1921.

Forfeiture  
for delay.

## CHAPTER 41.

[H. B. 58.]

## RELIEF OF INDIGENT SOLDIERS, SAILORS AND MARINES.

AN ACT relating to the relief of soldiers, sailors and marines and their families, and amending sections 6246, 6247, 6248, 6249, 6250, 6251, 6252, 6253 Pierce's Code.

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

SECTION 1. That section 6246 Pierce's Code (8914 of Rem. & Bal. Code, as amended by section 1 of chapter 83 of the Laws of 1919) be amended to read as follows:

Section 6246. For the relief of indigent and suffering Union soldiers, sailors and marines who served in the Civil War, in the war of Mexico or in any of the Indian wars in the United States, the Spanish-American war and Philippine 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, and their families or the families of those deceased, who need assistance in any city, town or precinct in this state, the board of commissioners of the county in which said city, town or precinct is situated shall provide such sum or sums of money as may be necessary, to be drawn upon by the commander and quartermaster, or commander and adjutant of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post

County aid  
authorized.

of the American Legion in said city or town upon recommendation of the relief committee of said post or camp in the same manner as is now provided by law for the relief of the poor: *Provided*, said soldier, sailor or marine, or the families of those deceased, are and have been residents of the state for at least twelve months, and the orders of said commander and quartermaster, or commander and adjutant shall be the proper voucher for the expenditure of said sum or sums of money.

SEC. 2. That section 6248 Pierce's Code (8915 of Rem. & Bal. Code) be amended to read as follows:

Nearest  
post or  
camp may  
receive.

Section 6248. If there be no post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion in any precinct in which it should be granted, the county commissioners of the county in which such precinct is, may accept and pay the orders drawn, as hereinbefore provided, by the commander and quartermaster, or commander and adjutant, of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion located in the nearest city or town, upon the recommendation of a relief committee who shall be residents of the said precinct in which the relief may be furnished.

SEC. 3. That section 6249 Pierce's Code (8916 of Rem. & Bal. Code) be amended to read as follows:

Notice of  
relief work.

Section 6249. Upon the passage of this act the commander of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion which shall undertake the relief of indigent veterans and their families, as hereinbefore provided, before the acts of said commander and quartermaster, or commander and adjutant may become operative in any city or precinct, shall file with

the county auditor of such county, notice that said post or camp intends to undertake such relief as is provided by this act. Such notice shall contain the names of the relief committee of said post or camp in such city or precinct, and the commander of said post or camp shall annually thereafter during the month of October file a similar notice with said auditor, and also a detailed statement of the amount of relief furnished during the preceding year, with the names of all persons to whom such relief shall have been furnished, together with a brief statement in each case from the relief committee upon whose recommendations the orders were drawn.

SEC. 4. That section 6250 Pierce's Code (8917 of Rem. & Bal. Code) be amended to read as follows:

Section 6250. The county commissioners may require of the commander and quartermaster, or commander and adjutant, of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion undertaking to distribute relief under this act a bond with sufficient and satisfactory sureties for the faithful and honest discharge of their duties under this act.

Bond may  
be required.

SEC. 5. That section 6251 Pierce's Code (8918 of Rem. & Bal. Code, as amended by chapter 83 of the Laws of 1919) be amended to read as follows:

Section 6251. County Commissioners are hereby prohibited from sending indigent Union, Spanish-American war soldiers, sailors and marines, soldiers, sailors and marines who have served the United States 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

Care of  
indigent  
soldiers,  
sailors and  
marines.

be governed by the issuance of a campaign badge by the government of the United States of America (or their families or the families of the deceased), of the classes of persons mentioned in section 1, to any almshouse (or orphan asylum) without the concurrence and consent of the commander and relief committee of the post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion, as provided in sections 1 and 2. Indigent veterans shall, whenever practicable, be provided for and relieved at their homes in such city, town or precinct in which they shall have a residence, in the manner provided in sections 1 and 2 of this act. Indigent or disabled veterans of the classes specified in section 1, who are not insane and have no families or friends with whom they may be domiciled, may be sent to any soldier's home.

SEC. 6. That section 6252 Pierce's Code (8929 of Rem. & Bal. Code, as amended by chapter 83 of the Laws of 1919) be amended to read as follows:

Section 6252. 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 Philippine 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

Burial of  
deceased  
soldiers,  
sailors and  
marines.

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, and the wives or widows 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 of any post of the Grand Army of the Republic, camp of the United Spanish War Veterans, Veterans of Foreign Wars or American Legion, or the relief committee of any such posts or camps: *Provided, however,* That such interment shall not cost more than one hundred 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 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.

SEC. 7. That section 6253 Pierce's Code (8919 of Rem. & Bal. Code, as amended by chapter 83 of the Laws of 1919) be amended to read as follows:

Section 6253. The boards of county commis-  
Tax levy.  
sioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax not less than one-twentieth of one mill, and not greater than two-fifths of one mill, upon the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a fund for the relief of honorably discharged soldiers, sailors and marines who served in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine 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, and the indigent wives, widows and minor children of such indigent or deceased soldiers, sailors and marines, to be disbursed for such relief by such board of county commissioners.

SEC. 8. That section 6247 Pierce's Code (8920 of Rem. & Bal. Code) be amended to read as follows:

Payment of  
rent of post  
or camp.

Section 6247. Any post of the Grand Army of the Republic, camp of United Spanish War Veterans, Veterans of Foreign Wars or post of the American Legion which has qualified to accept relief from the Indigent Soldiers' Relief Fund of any county may draw upon said county fund for the payment of the rent of its regular meeting place: *Provided*, That no post or camp shall be allowed to draw on such fund for this purpose to exceed the sum of one hundred dollars in any one year, or in any amount for hall rental where said post or camp is furnished quarters by the state or by any municipality.

Before such claims are ordered paid by the county commissioners, the commander of such posts shall file a proper claim each month with the county auditor for such rental.

Emergency.

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

Passed the House February 8, 1921.

Passed the Senate February 24, 1921.

Approved by the Governor March 3, 1921.

## CHAPTER 42.

[S. B. 45.]

## OFFICIAL COURT REPORTER.

AN ACT relating to an act providing for the appointment of official court reporters in the State of Washington, prescribing their duties, oath of office, and qualifications, and providing for their compensation and the manner of their appointment, and amending section 1 of Chapter 126 of the Laws of 1913.

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

SECTION 1. That Section 1 of Chapter 126 of the Laws of 1913 be amended to read as follows:

Section 1. It shall be the duty of each superior court judge in counties or judicial districts in the State of Washington having a population of over twenty-seven thousand inhabitants to appoint a stenographer to be attached to the court holden by him (except, for the sake of economy, where in counties or judicial districts having more than one judge there is not sufficient trial work to require the services of two or more official reporters, the judges of such courts may, provided their trial dockets can be satisfactorily arranged so as not to delay the trials of cases, appoint one official reporter jointly to act as official reporter for their respective courts), who shall have had at least three years' experience as a skilled, practical court reporter, or who upon examination shall be able to report and transcribe accurately one hundred fifty words per minute of the judge's charge or one hundred seventy-five words of testimony for five consecutive minutes; said test of efficiency, in the event of inability to meet the qualifications as to length of time of experience, to be given by a committee of three of the attorneys of the county or district in which the said stenographer is seeking to act as official reporter, and

Superior  
court to  
appoint.

such stenographer shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or district for which he is appointed. Each official reporter so appointed shall hold office during the term of office of the judge appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars (\$2,000) for the faithful discharge of his duties. No person shall be appointed to the office of official reporter who is not a citizen of and a duly qualified elector in the State of Washington.

Passed the Senate January 27, 1921.

Passed the House February 23, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 43.

[H. B. 22.]

### DELINQUENT CHILDREN.

AN ACT relating to the welfare of dependent and delinquent children, and amending section 595 Pierce's Code.

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

SECTION 1. That section 595 Pierce's Code (1987-3 of Rem. & Bal. Code) be amended to read as follows:

Section 595. The court or judge designated as provided in section 594, shall appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court, said probation officers to receive no compen-

sation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when the child is to be brought before said court; it shall be the duty of said probation officers to make such investigations as may be required by the court. The probation officer or officers shall inquire into the antecedents, character, family history, environments and cause of dependency or delinquency of every alleged dependent or delinquent child brought before the juvenile court and shall make his report in writing to the judge thereof, shall be present in order to represent the interests of the child when the case is heard, shall furnish the court such information and assistance as the judge may require, and shall take such charge of the child before and after the trial as may be directed by the court. In counties containing twenty thousand or more inhabitants when it shall appear that there is a necessity for such county officer, the court may appoint one or more persons to act as probation officers, and one or more persons who shall have charge of detention rooms or house of detention, all of whom shall be paid as compensation for their services, such sums as may be fixed by the board of county commissioners, and who shall be paid as other county officers are paid; all probation officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or city ordinance, relative to the care, custody, and control of delinquent and dependent children.

Passed the House January 27, 1921.

Passed the Senate February 23, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

## CHAPTER 44.

[H. B. 120.]

## EDUCATION.

AN ACT relating to the attendance of high school pupils in adjoining districts and providing for the payment of tuition therefor, and amending section 4982 Pierce's Code.

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

SECTION 1. That section 4982 Pierce's Code (4484 of Rem. & Bal. Code) be amended to read as follows:

Section 4982. Any board of directors shall have power to make arrangements with adults wishing to attend school, or with the directors of another district, for the attendance of such children, in the school of either district as may be best accommodated therein: *Provided* That in case such arrangements are not made or children from school districts not adjoining desire to attend school in their district they may charge reasonable tuition for such attendance: *Provided further*, That all such money collected by any school district officer for the use of the district shall, within thirty days after the date of its collection, be turned over to the county treasurer and placed to the credit of the district: *Provided further*, That the board of directors of any school district in the state in which a high school is maintained, and which lies adjacent to the boundary of a school district in another state in which no high school is maintained, may make arrangements with the officers of the district of the other state for the attendance of any high school pupils residing in such outside district upon the payment of tuition therefor: *Provided*, That the provisions of this section shall not apply unless the laws of the other state permit its districts to extend similar privileges to pupils resident in the State of Washington. In the

Tuition  
charged  
adults and  
pupils of  
other  
districts.

event that any pupils residing in a Washington School District, which maintains no high school and which is adjacent to the school district of another state, shall desire to attend high school in such district in the other state, the board of directors of the Washington district shall have power to arrange for, and pay tuition for their attendance in the district of the other state and to pay such expense from the funds of the district. *Provided further*, The reimbursement of a high school district for cost of educating high school pupils for a non high school district, as provided for in this act, shall not be deemed a tuition charge as affecting the apportionment of current state school funds provided for in Section 5072 Pierce's Code, 4568 of Remington & Ballinger's Annotated Codes and Statutes.

Passed the House February 15, 1921.

Passed the Senate February 23, 1921.

Approved by the Governor March 4, 1921.

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## CHAPTER 45.

[S. B. 196.]

### APPROPRIATION FOR CARRYING OUT VETERANS' EQUALIZED COMPENSATION ACT.

AN ACT making an appropriation for salaries, clerk hire, supplies, materials and services in carrying out the provisions of chapter I, laws of the extraordinary session of 1920, and declaring that this act shall take effect immediately.

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

SECTION 1. That there is hereby appropriated out of the general fund of the state treasury, for the state auditor, the sum of five thousand dollars (\$5,000) or so much thereof as may be necessary, for salaries, clerk hire, supplies, materials and services

Appropriation  
\$5,000.00

in carrying out the provisions of chapter I, laws of the extraordinary session of 1920: *Provided*, That the amount herein appropriated, or so much thereof as shall be expended, shall be repaid to and deposited in the general fund of the state treasury from the first funds received and deposited in the veterans' compensation fund.

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

Passed the Senate February 26, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 46.

[S. B. 93.]

### STATE NAUTICAL SCHOOL.

AN ACT to repeal chapter 20, Laws of 1917, entitled "An Act providing for a state nautical school and for the government and maintenance thereof."

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

**Abolish-** SECTION 1. That chapter 20, Laws of 1917, entitled "An act providing for a state nautical school, and for the maintenance thereof," be and the same is hereby repealed.

Passed the Senate February 17, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 8, 1921.

## CHAPTER 47.

[H. B. 107.]

## SENATORIAL AND REPRESENTATIVE DISTRICTS.

AN ACT relating to and changing the boundary lines of the fifth senatorial and fourth representative, and the fourth senatorial and third representative districts in Spokane County.

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

SECTION 1. That sections 2, 3, 10 and 11 in township 26 north, range 44 east of the Willamette Meridian in Spokane county, be and the same are hereby taken from the area in the fifth senatorial and the fourth representative districts, and be and the same are hereby added to, made a part of, and incorporated into the area of Foothills precinct in the fourth senatorial and third representative districts.

Change of boundaries.

Passed the House February 26, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

## CHAPTER 48.

[H. B. 154.]

## STATE HOSPITALS FOR THE INSANE.

AN ACT relating to the observation, maintenance, care, treatment and custody, in the state hospitals for the insane, of persons entitled thereto, or requiring the same, at the expense of the United States, and authorizing contracts therefor.

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

SECTION 1. The director of business control shall have the power, in the name of the state, to enter into contracts with any duly authorized representative of the United States government providing for the ad-

Contracts with United States government.

mission to, and the separate or joint observation, maintenance, care, treatment and custody in, the state hospital for the insane, of persons entitled to, or requiring the same, at the expense of the United States, and contracts providing for the separate or joint maintenance, care, treatment and custody of such persons committed to such hospitals in the manner provided by law, and to execute and perform such contracts, which contracts shall provide that all payments due the state of Washington from the United States, for service rendered under said contracts, shall be paid into the state treasury and covered into the state institutional revolving fund, to the credit of the institution furnishing the service.

Exercise of  
duties.

SEC. 2. Until such time as the director of business control shall be appointed and qualified, and assume and exercise the duties of his office, the state board of control shall have the power to perform, in the name of the state, all things authorized by the provisions of this act.

Emergency.

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

Passed the House February 15, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

## CHAPTER 49.

[H. B. 158.]

## APPOINTIVE STATE OFFICERS AND EMPLOYEES.

AN ACT relating to the salaries and compensation of appointive state officers and employees and declaring that this act shall take effect immediately.

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

SECTION 1. Wherever the salary or compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of the salaries or compensation of other appointive state officers or employees: *Provided, however,* That the provisions of this act shall not apply to the salary of the directors of departments provided for in chapter 7 of the Laws of 1921.

Change of  
compensa-  
tion.

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

Emergency.

Passed the House February 11, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

## CHAPTER 50.

[H. B. 79.]

## ALIENS.

AN ACT relating to the rights and disabilities of aliens with respect to lands, providing for forfeitures in certain cases, prescribing penalties, and repealing sections 135 and 136 Pierce's Code, 8775 and 8776 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

## Definitions.

SECTION 1. In this act, unless the context otherwise requires,

(a) "Alien" does not include an alien who has in good faith declared his intention to become a citizen of the United States, but does include all other aliens and all corporations and other organized groups of persons a majority of whose capital stock is owned or controlled by aliens or a majority of whose members are aliens;

(b) "Land" does not include lands containing valuable deposits of minerals, metals, iron, coal or fire clay or the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom, but does include every other kind of land and every interest therein and right to the control, possession, use, enjoyment, rents, issues or profits thereof except a mortgage and except a right to the possession, use or enjoyment of land for a period of not more than ten years for a purpose for which an alien is accorded the use of land by a treaty between the United States and the country whereof he is a citizen;

(c) "Land" also includes any share or interest in a corporation or other organized group of persons deemed an alien in this act which has title to land either heretofore or hereafter acquired;

(d) To "own" means to have the legal or equitable title to or the right to any benefit of;

(e) "Title" includes every kind of legal or equitable title;

(f) Ownership of or title to land acquired by inheritance or in good faith either under mortgage or in the ordinary course of justice in the collection of debts, or acquired by a female citizen afterwards expatriated by marriage to an alien, is excluded;

(g) "Inheritance" includes devise;

(h) "Mortgage" includes every kind of lien upon land;

(i) A mortgage of land under which an alien is entitled before default to any control, possession, use or enjoyment of the land, is an absolute conveyance; and

(j) "Person" includes an individual, partnership, corporation or any other organized group of persons.

SEC. 2. An alien shall not own land or take or hold title thereto. No person shall take or hold land or title to land for an alien. Land now held by or for aliens in violation of the constitution of the state is forfeited to and declared to be the property of the state. Land hereafter conveyed to or for the use of aliens in violation of the constitution or of this act shall thereby be forfeited to and become the property of the state.

Restrictions  
as to land.

SEC. 3. An alien is not qualified to be trustee under a will, executor, administrator or guardian, if any part of the estate is land: *Provided*, An alien now lawfully acting in any such capacity may continue for not more than two years.

Fiduciary  
restrictions.

SEC. 4. If hereafter an alien acquire land by inheritance or in good faith either under mortgage or in the ordinary course of justice in the collection of debts and, remaining an alien, hold the same for

Land  
acquired by  
inheritance,  
etc.

more than twelve years from the date title was so acquired or control or possession taken, the land shall be forfeited to the state.

Limitations  
as  
mortgagee.

SEC. 5. If an alien, claiming or holding under a mortgage, has control, possession, use or enjoyment of the mortgaged land, the obligation secured by the mortgage shall be deemed matured and the mortgage shall be foreclosed; and if the land be not sold under foreclosure within three years after the alien has obtained control, possession, use or enjoyment, the mortgage and the obligation thereby secured shall be forfeited to the state and shall be foreclosed for the use of the state.

Citizenship.

SEC. 6. Unless an alien who has declared his intention to become a citizen of the United States be admitted to citizenship within seven years after his declaration was made, it shall be presumed that he declared his intention in bad faith.

Crimes  
enumerated.

SEC. 7. Whoever

(a) Knowingly transfers or conveys land or title to land to an alien; or

(b) Knowingly takes land or title to land in trust for an alien; or

(c) Holding in trust for an alien land or title to land, either heretofore or hereafter acquired, fails for thirty days after acquiring knowledge or notice that he holds in trust for an alien to disclose the fact to the attorney general or the prosecuting attorney of the county where the land is situated; or

(d) Being an alien and having title to land or control, possession, use or enjoyment of land, whether heretofore or hereafter acquired, refuses to disclose to the attorney general or the prosecuting attorney of the county where the land is situated the nature and extent of his interest in and title to the land; or

(e) Being an officer or agent of a corporation or other organized group of persons which has title to

land or control, possession, use or enjoyment of land, whether heretofore or hereafter acquired, refuses to disclose to the attorney general or the prosecuting attorney of the county where the land is situated the nature and extent of the interest of persons not citizens of the United States in the corporation or other organized group of persons; or

(f) Being an officer or agent of a corporation or other organized group of persons which holds in trust for an alien title to land or control or possession of land, whether heretofore or hereafter acquired, refuses to disclose to the attorney general or the prosecuting attorney of the county where the land is situated the nature and extent of the alien's interest in and title to the land; or

(g) Wilfully counsels, aids or abets another in violating or evading this act,

Is guilty of a gross misdemeanor.

SEC. 8. It shall be the duty of the attorney general and of the prosecuting attorneys of the several counties to enforce this act, and of the attorney general to direct and control its enforcement.

Enforcement  
of act.

SEC. 9. Property forfeited to the state by this act shall inure to the permanent common school fund and be managed and disposed of accordingly.

Forfeitures.

SEC. 10. This act shall not impair any title or right heretofore or hereafter acquired from or derived through an alien in good faith and for value by a person not under an alien's disability.

Scope of act.

SEC. 11. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not effect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Partial  
invalidity.

SEC. 12. Sections 135 and 136 Pierce's Code, 8775 and 8776 of Remington and Ballinger's Annotated

Repealing  
clause.

Codes and Statutes of Washington are hereby repealed.

Passed the House February 25, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 51.

[H. B. 59.]

### INHERITANCE TAX.

AN ACT relating to the taxation of inheritances and amending section 7052 Pierce's Code.

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

SECTION 1. That Section 7052 Pierce's Code (chapter 146 Laws 1917) be amended to read as follows:

Section 7052. All bequests and devises of property within this state when the same are for one of the following charitable purposes, namely, the relief of the aged, indigent and poor people, maintenance of sick or maimed, the support or education of orphans or indigent children, and all bequests and devises heretofore made to the state of Washington or to any county, city, school district or other municipal corporation therein for eleemosynary, charitable, educational or philanthropic purposes, and all bequests and devises made to schools and colleges in the state supported in whole or in part by gifts, endowments or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution and which is open to all persons upon equal terms, shall be exempt from the payment of any inheritance tax and any property in this state which has been devised or bequeathed

Exemption  
of charitable  
bequests and  
devises.

for such purposes and upon which a state inheritance tax is claimed or is owing is hereby declared to be exempt from the payment for such tax.

Passed the House February 24, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 52.

[H. B. 42.]

### DRAINAGE DISTRICTS.

AN ACT relating to drainage districts, the election and terms of office of commissioners thereof, and amending section 1947-6 Pierce's Code.

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

SECTION 1. That section 1947-6 Pierce's Code (section 4142 Rem. & Bal. Code) be amended to read as follows:

Section 1947-6. A general election for the election of a board of drainage commissioners of such district shall be held upon the first Tuesday after the first Monday 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 held in accordance with the general election laws of the state of Washington for the election of county

General election.

and state officers, 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 public places within said district. 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. 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.

Passed the House February 9, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 53.

[H. B. 190.]

### PREVENTION OF PROCREATION.

AN ACT to prevent the procreation of feeble minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts, who may be inmates of institutions maintained by the State, authorizing and providing for the sterilization of persons with inferior hereditary potentialities and providing for appeals to the Superior Courts in certain cases.

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

SECTION 1. It shall be and is hereby declared the duty of the superintendents of all state institutions having the care of individuals held in restraint to re-

Superintendents of institutions to make reports.

port quarterly to the institutional Board of Health, all feeble minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts, who are persons potential to producing offspring who, because of inheritance of inferior or anti-social traits, would probably become a social menace or wards of the State.

SEC. 2. It shall be the duty of the Institutional Board of Health to examine into the innate traits, the mental and physical conditions, the personal records, and the family traits and histories of all persons so reported so far as the same can be ascertained, and for this purpose said board shall have the power to summon witnesses, and any member of said Board may administer an oath to any witness whom it is desired to examine; and if in the judgment of a majority of the said Board procreation by any such person would produce children with an inherited tendency to feeble mindedness, insanity, epilepsy, criminality or degeneracy, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then it shall be the duty of said Board to make an order directing the superintendent of the institution in which such inmate is confined to perform or cause to be performed upon such inmate such a type of sterilization as may be deemed best by said Board.

Sterilization  
authorized.

SEC. 3. The purpose of said investigation, findings and orders of said board shall be for the betterment of the physical, mental, neural, or psychic condition of the inmate, or to protect society from the menace of procreation by said inmate, and not in any manner as a punitive measure; and no person shall be emasculated under the authority of this act except

Purpose.

that such operation shall be found to be necessary to improve the physical, mental, neural or psychic condition of the inmate.

Notice of  
order.

SEC. 4. After fully inquiring into the condition of each of such inmates said board shall make separate written findings for each of the inmates whose condition has been examined into, and the same shall be preserved in the records of said board, and a copy thereof shall be furnished to the superintendent of the institution in which the inmate is confined, and if an operation is deemed necessary by said board, then a copy of the order of said board shall forthwith be served on said inmate, or in the case of an insane person, upon his legal guardian, and if such insane person have no legal guardian then upon his nearest known kin within the State of Washington, and if such insane person have no known kin within the State of Washington, then upon the custodial guardian of such insane person.

Appeal.

SEC. 5. Any such inmate desiring to appeal from the decision of said board, or in the case the person is under guardianship or disability, then the guardian of said inmate may take an appeal into the superior court of the county in which the institution in which the inmate is confined, is located. An informal notice of appeal filed with the secretary of said board, either by the inmate or someone in his behalf, shall be all that is necessary to make the appeal: *Provided*, Said notice shall be filed within fifteen days of the date when notice of the board's decision is served on the inmate or his guardian, and said notice of appeal shall stay all proceedings of said board on said matter until the same is heard and determined on said appeal: *Provided, further*, That no operation shall be performed, upon any inmate until the time for appeal from the decision of the board has expired.

SEC. 6. Upon an appeal being taken, the secretary of said board where the notice of appeal is filed, must within fifteen days thereafter, or such further time as the court or the judge thereof may allow, transmit a certified copy of the notice of appeal and transcript of the proceedings, findings and order of the board, to the clerk of the court appealed to. The trial shall be a trial *de novo* at law as provided by the statutes of the state, for the trial of actions at law. Upon such appeal, if the inmate be without sufficient financial means to employ an attorney, then the court shall appoint an attorney to represent the said inmate, and such attorney shall be compensated by the state upon order of the court; and it shall be the duty of the district attorney of the county wherein such trial is had to represent the said board.

Procedure  
on appeal.

SEC. 7. If the court or jury shall affirm the findings of said board, said court shall enter a judgment, adjudging that the order of said board shall be carried out as herein provided; if the court fail to affirm the decision of said board appealed from, then said order shall be null and void and of no further effect.

Entry of  
judgment.

SEC. 8. Upon the receipt of the order from the Institutional Board of Health, the superintendent of the institution to which it is directed shall, after the time for appeal has expired, or in case of appeal upon the entering of a judgment affirming the order of the board, and it is hereby made his lawful duty, to perform, or cause to [be] performed such surgical operation as may be specified in the order of the Institutional Board of Health. All such operations shall be performed with a due regard for the physical condition of the inmate and in a safe and humane manner.

Operations

SEC. 9. No surgeon performing the operation provided for in the preceding section under the direction of the superintendent, or other officer in charge

Surgeon's  
liability.

of such institution, shall be held criminally liable therefor or civilly liable for any loss or damage on account thereof, except in case of negligence in the performance of such operation.

Persons  
affected.

SEC. 10. The criminals who shall come within the operation of this law shall be those who have been convicted three or more times of a felony and sentenced to serve in the penitentiary therefor.

Moral degenerates and sexual perverts are those who are addicted to the practice of sodomy or the crime against nature, or to other gross, bestial and perverted sexual habits and practices prohibited by statute.

Sex.

SEC. 11. The provisions of this act shall apply to both male and female inmates of any of the institutions designated herein.

Expense.

SEC. 12. The state shall be liable, under this act, only for the actual traveling expenses of the members of the board incurred in the performance of their duties, and the actual and necessary expense incident to the investigations of said board and an appeal therefrom, which shall be paid upon vouchers signed by the person receiving such compensation and expense from the moneys appropriated for the maintenance of the institution where such examination is held.

Passed the House February 17, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

## CHAPTER 54.

[S. H. B. 83.]

VALIDATION OF INDEBTEDNESS OF SIXTH CLASS  
COUNTIES.

AN ACT relating to the validation of certain warrants and other evidences of indebtedness on the part of counties of the sixth class, issued in excess of legal authority, and providing for the funding of such indebtedness.

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

SECTION 1. Any county of the sixth class may, in the manner prescribed by this act, ratify the attempted incurring of any indebtedness by such county, by the issuing of warrants, making of contracts, or creating of other evidences of indebtedness on the part of such county, when the only ground of invalidity of such indebtedness to be so ratified is that, at the time of the attempted incurring thereof, the same, together with other existing indebtedness of such county within the one and one-half per cent limitation on county indebtedness exceeded such limitation as ascertained by the last assessment for state and county purposes previous to the attempted incurring of such indebtedness, and that the incurring of such indebtedness was so attempted without the assent of three-fifths of the voters of the county voting at an election held for that purpose.

Ratification  
authorized.

SEC. 2. Whenever the board of county commissioners of any such county, shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by resolution, which shall specify separately the amount of each distinct class of such indebtedness to be so ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness composed

Resolution  
for ratifica-  
tion.

in each distinct class and shall provide for the holding of a special election for that purpose, at which the attempted incurring of such indebtedness shall be submitted to the voters of such county, for ratification or rejection. Notice of such election shall be provided for in such resolution, and shall be given by publishing the same in a newspaper published in such county, once a week for at least four successive weeks. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the resolution.

Scope of act.

SEC. 3. If at any election held as provided for in section two of this act, three-fifths of the voters of such county, voting at such election, shall vote in favor of the ratification of any distinct class of such indebtedness, then such indebtedness shall thereby become and is hereby declared to be validated and a binding obligation upon such county. Nothing in this act contained nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such county, existing at the time of the attempted incurring of the same exceed any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such county. *Provided*, That this act shall apply only to indebtedness attempted to be incurred prior to the passage thereof.

Bonds authorized.

SEC. 4. Whenever the board of county commissioners of any such county shall submit to the voters the question of ratifying any indebtedness as provided in this act, they may at the same time submit the question whether the corporate authorities shall be authorized to fund such indebtedness by the issuance and sale of the general negotiable bonds of such

county. The question of ratifying the indebtedness and the question of authorizing the funding thereof may, in the discretion of the county commissioners, be submitted as one question, or the question of ratifying and the question of authorizing the funding of the indebtedness may be separately submitted. In either event an affirmative vote of three-fifths of the voters voting upon said proposition at such election shall be necessary to carry such proposals whether separately or jointly submitted. It shall be lawful to fund the principal and accrued interest of the indebtedness so ratified. If the proposal to authorize the funding of the indebtedness shall carry, the corporate authorities in their discretion may issue and sell the bonds of the county, to the amount so authorized, in the manner and upon the terms and conditions now provided by law for the issuance, sale and redemption of like bonds of such county.

Passed the House February 23, 1921.

Passed the Senate March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 55.

[S. B. 149.]

### LOGGING RIGHT OF WAY OVER STATE LANDS.

AN ACT relating to rights of way for logging purposes over state lands and amending section 6394 Pierce's Code, section 6831 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6394 Pierce's Code, Section 6831 of Rem. & Bal. Code be amended to read as follows:

Section 6831. Any person, corporation or association engaged in the business of logging and lumber-

**Right of way  
authorized.**

ing shall have a right of way over public lands when necessary, for the purpose of hauling or removing timber or ties from other lands. Before, however, any such right of way grant shall become effective, a written application for and a plat showing the location of such right of way, with reference to the adjoining lands, shall be filed with the board of state land commissioners, and all timber on said right of way, together with the damages to said lands, shall be appraised by said board and paid for in cash by the person, corporation or association applying for such right of way. The board of state land commissioners shall then cause to be issued in duplicate to such person, corporation or association a right of way certificate setting forth the conditions and terms upon which such right of way is granted. Whenever said right of way shall cease to be used, for a period of two years, for the purpose for which it was granted, it shall be deemed forfeited, and said right of way certificate shall contain such a provision: *Provided*, That any rights of way for logging purposes heretofore issued which have never been used, or have ceased to be used, for a period of two years, for the purpose for which they were granted, shall be deemed forfeited and shall be cancelled upon the records in the office of the commissioner of public lands. One copy of each certificate shall be filed in the office of the commissioner of public lands and one copy delivered to the applicant. The forfeiture of said right of way, as herein provided, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof to his last known post office address and by stamping the copy of said certificate in the office of the commissioner of public lands cancelled and the date of such cancellation. For the issuance of such certifi-

cate the same fee shall be charged as provided in the case of certificates for railroad rights of way.

Passed the Senate February 18, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 56.

[S. B. 76.]

### VICTORY AND ADMISSION DAY.

AN ACT establishing a day for the observance by the public schools as "Victory and Admission Day," and prescribing for the teachers of the public schools and county superintendents of schools and the state superintendent of public instruction certain duties in relation thereto.

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

SECTION 1. The 11th day of November each year, or the Friday preceding when such 11th of November falls upon a non-school day, shall be suitably observed in all of the common and high schools of the state and shall be known as "Victory and Admission Day."

Schools to observe.

SEC. 2. For the proper observance of this day, it shall be the duty of each teacher in the public schools of this state, or principal in charge of the school building, to prepare and, in co-operation with the pupils in his charge, present a program of exercises of at least sixty minutes in length, setting forth the part taken by the United States and the State of Washington in the world war for the years 1917 and 1918, and the principles for which the allied nations fought, and the heroic deeds of American soldiers and sailors, the leading events in the history of our state and of Washington Territory, the character and struggles of the pioneer settlers and other topics

Program of exercises.

tending to instill a loyalty and devotion to the institutions and laws of our state.

Aid in observance.

SEC. 3. It is hereby made the duty of the state superintendent of public instruction and of the county superintendent of schools, by advice and suggestions, to aid in the suitable observance of "Victory and Admission Day."

Passed the Senate February 14, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 8, 1921.

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## CHAPTER 57.

[S. B. 148.]

### STATE TIDE LANDS.

AN ACT relating to state tide lands and certificates of purchase issued therefor and providing for cancellation of such certificates.

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

Treasurer's statement of promissory notes.

SECTION 1. The State Treasurer is hereby directed to prepare and transmit to the Commissioner of Public Lands a statement and certificate showing any and all promissory notes now in his possession and unpaid, which were received by him in payment of the purchase price of state tide lands under the act of the legislature approved March 26, 1890; said statement and certificate shall show the amounts and dates of any payments on such notes.

Cancellation of certificates of purchase.

SEC. 2. If, upon receipt of such statement and certificate from the State Treasurer, it shall appear that any tide land certificate of purchase, issued under the provisions of said act of March 26, 1890, or any promissory note given in payment of said certificate, has not been paid, such certificate is hereby

cancelled and the Commissioner of Public Lands is hereby authorized and directed to cancel such certificates on his records, and thereafter any tide lands embraced in such certificate shall be and become subject to sale or lease as other tide lands of the state.

SEC. 3. Upon cancellation of any certificate for the purchase of tide lands, as herein provided, for which any promissory notes have been given and which notes are in possession of the State Treasurer, the Commissioner of Public Lands shall notify the State Treasurer of such cancellation and the date thereof, and the State Treasurer shall thereupon endorse upon any note given in payment of such certificate the fact of such cancellation and the date thereof under the provisions of this act.

Cancellation  
of notes.

Passed the Senate February 18, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 9, 1921.

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## CHAPTER 58.

[S. B. 52]

### FISHING RIGHTS TO YAKIMA INDIANS.

AN ACT providing for the regulation of fishing at Prosser Falls, in the Yakima River, in Benton County, State of Washington, by Indians of the Yakima Nation, claiming rights under a certain treaty made with the United States on June 9, 1855, and by any other person.

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

SECTION 1. To obviate difficulties arising out of the conflict existing between certain state laws and a certain treaty made by Governor Isaac I. Stevens, acting for the United States Government, with certain tribes of Indians known as the Yakima Nation, the state fish commission is hereby empowered to

Fishing at  
Prosser  
Falls.

make regulations under which Indians belonging to the Yakima Nation may fish at Prosser Falls, in the Yakima River, State of Washington, under conditions not otherwise permitted by the laws of the State of Washington, so that any Indian belonging to any tribe of the Yakima Nation, who has maintained his tribal relations and who resides within this state, may take salmon or other food fish, by any reasonable means, at any time, at said Prosser Falls, for the use of himself and family, but this right is not to extend to others than such Indians: *Provided*, That any other person may take food fish with hook and line for the use of himself and family at all reasonable times at the above mentioned place, under the rules and regulations prescribed by the state fish commission.

Passed the Senate February 3, 1921.

Passed the House February 16, 1921.

Vetoed by the Governor March 9, 1921.

Passed over veto of the Governor by the Senate March 9, 1921.

Passed over veto of the Governor by the House March 10, 1921.

## CHAPTER 59.

[H. B. 174.]

## CERTIFICATES OF PUBLIC NECESSITY.

AN ACT to amend an act entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violations thereof, making an appropriation, and repealing certain acts," the same being Chapter 117 of the Session Laws of 1911, approved by the Governor, March 18th, 1911, by repealing Section 105 of said act and by adding thereto a new section, to be designated Section 74a, to prevent waste by the unnecessary duplication of public utilities.

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

SECTION 1. An act entitled "An act relating to public service properties and utilities, providing for the regulation of the same, fixing penalties for the violation thereof, making an appropriation, and repealing certain acts," the same being Chapter 117 of the Session Laws of 1911, approved by the Governor, March 18, 1911, be and the same is hereby amended by adding thereto a new section designated section 74a, as follows:

Section 74a. No public service company or prospective public service company shall hereafter construct, extend or thereafter maintain or operate any part of its plant, system or facilities for the purpose of rendering service in a locality wherein similar service is then being rendered by any other public service company in this state, without first applying for and obtaining the certificate of public necessity and convenience from the director of public works, as herein provided. Upon the filing of an application for such certificate the director of public works shall give reasonable notice in writing to the public service company then furnishing such service in such locality or vicinity of the time and place when such application will be heard, and after hearing and in-

Certificate of necessity when new company to operate in territory covered.

investigation if the director of public works finds from the evidence that the public necessity and convenience require that such service be furnished by the public service company or prospective public service company applying for such certificate, the director of public works shall by order grant such certificate of public necessity and convenience. Such order shall specify and define the character, extent and location of the service to be furnished under said certificate and the time within which such service shall be furnished; and any such certificate may be recalled and made null and void in whole or in part by the director of public works in the event that the grantee of such certificate shall fail to comply with any of the provisions or conditions thereof: *Provided, however,* That this section shall not be construed as requiring such application or certificate for the extension by any public service company, whether privately or municipally owned or operated, of its physical property or service within the locality in which such public service company may now be furnishing similar service to the public or as requiring such application or certificate for the construction of additional plants or extensions of existing plants outside the limits of such locality for making such service within such locality. It shall be the duty of the director of public works, either upon his own motion or upon the complaint of any public service company, to enforce the provisions of this section. Any public service company or prospective public service company may appeal from any order of the director of public works rendered under this section in the same manner and under the same procedure as specified in this act: *Provided, however,* That the superior court shall require the filing of an adequate supersedeas bond and the pendency of any writ of review shall stay or sus-

pend the operation of any order of the director of public works granting such certificate of necessity and convenience: *Provided, however,* That until such time as the director of public works shall be appointed and qualified and shall assume and exercise the duties of his office, all of the powers and duties imposed upon the director of public works by the provisions of this act shall be exercised and performed by the Public Service Commission of the State of Washington: *Provided, further,* That nothing in this act shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the safety, adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or enforced affecting any water system owned and operated by any city or town: *Provided, further,* That any municipal corporation may perfect an appeal without the filing of a supersedeas bond.

SEC. 2. Section 105 of Chapter 117 of the Session Laws of 1911, approved by the Governor March 18th, 1911, be and the same is hereby repealed.

Vetoed  
L. F. H.

Passed the House, February 23, 1921.

Passed the Senate, March 1, 1921.

Approved by the Governor with the exception of section 2, which is vetoed, March 10, 1921.

## CHAPTER 60.

[S. B. 6.]

## TAXATION.

AN ACT relating to the assessment of manufactured products and amending Section 6911, Pierce's Washington Code.

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

SECTION 1. Section 6911 Pierce's Washington Code is hereby amended to read as follows:

Manufacturer defined.

Section 6911 Pierce's Washington Code. Every person who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing shall be held to be a manufacturer, and he shall, when required to, make and deliver to the Assessor a statement of the amount of his other personal property subject to taxes, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind and every manufacturer shall list as part of his manufacturer's stock the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing except such fixtures as have been considered as part of any parcel of real property including all tools and implements of every kind, use or design to be used for the first aforesaid purpose: *Provided, however,* That all ore or metal shipped from without this state to any smelter or refining works within this state while in process of reduction or refinement and for thirty days after the comple-

tion of said reduction or refinement, shall be considered and held to be property in transit and non taxable.

Passed the Senate February 2, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 61.

[S. B. 18.]

### ELECTIONS IN CLASS A AND FIRST CLASS COUNTIES.

AN ACT fixing the time of holding elections, providing for the appointment of election officers and prescribing their duties, and fixing the time of the commencement of terms of municipal and district officers.

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

SECTION 1. All county elections in Class A counties and counties of the first class, whether general or special, and whether for the election of county officers or for the submission to the voters of any county of any question for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of county officers or primary elections.

County elections.

SEC. 2. That all city, town, township, school district, port district, park district, irrigation district, dike district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, and all other municipal and district elections

City, town, etc., 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, township or district of any question for their adoption or approval or rejection, shall be held in Class A counties and counties of the first class on the first Tuesday after the first Monday in May 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; and *Provided further*, That this section shall not be construed as repealing the provisions of any charter of a city of the first class providing for the election of persons receiving a majority of all votes cast for any office at a primary or first election, but such primary or first election shall be held two weeks prior to the general election provided for in this section.

Vacancies in  
Congress.

SEC. 3. Nothing in this act contained shall be construed as preventing the calling of a special election by the governor to fill a vacancy existing in any state office or the office of United States senator, representative in Congress, for the senator or member of the House of Representatives of the State of Washington, on any other dates than those above specified.

Term of  
office.

SEC. 4. The term of every city, town and district officer elected under the provisions of this act shall begin on the first Monday in June following his election: *Provided, however*, That 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; and *Provided further*, That 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.

SEC. 5. It shall be the duty of the chairman of the board of county commissioners, the county auditor and the prosecuting attorney in Class A counties and counties of the first class in all city, town and district elections held under the provisions of this act to provide places for holding elections, to appoint the election officers, to provide for their compensation, to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the election officers at the polling places, to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town or district its share of the expense of such election.

Polling  
places:  
election  
officers, etc.

SEC. 6. The election officers herein above provided for shall conduct such elections and shall receive and deposit ballots cast thereat in the proper and respective ballot boxes and shall count said ballots and make return thereof to the proper officers of the respective cities, towns and districts in the manner provided by law: *Provided, however,* There shall be but one set of election officials in each precinct.

Conduct of  
elections.

SEC. 7. At every election held under the provisions of this act, the polls shall be kept open from eight o'clock A. M. to eight o'clock P. M., and all qualified electors who shall be inside of the polling place at eight o'clock P. M. shall be allowed to cast their ballots at such election.

Time polls  
are open.

Passed the Senate February 14, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 62.

[S. S. B. 115.]

## FRATERNAL INSURANCE.

AN ACT relating to insurance and amending title XLV of Remington & Ballinger's Annotated Codes and Statutes of Washington, by adding thereto a new section to be known as section 6059-235 A.

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

SECTION 1. That titles XLV of Remington & Ballinger's Code be amended by adding thereto a new section to be known as Section 6059-235 A to read as follows:

Section 6059-235 A. Any corporation, society, order, or voluntary association operating within the definition set forth in Sections 206, 207, and 208 of this act, organized during the war in which the United States entered on April 6, 1917, with the purposes of assisting the government of the United States in maintaining and increasing the production of commodities essential for the prosecution of that war, and of developing loyalty to the United States, or whose membership is limited to veterans of that war, may be licensed under the provisions of this act and shall have all the privileges and shall be subject to all the provisions and regulations of this article, except that the provisions of this article requiring death benefits of at least one thousand (\$1,000.00) dollars, medical examinations, valuations of benefit certificates, shall not apply to such society, but such society may provide benefits in case of death or disability resulting solely from accidents in an amount not exceeding one thousand (\$1,000.00) dollars and may also provide for death or funeral benefits, or both, not exceeding one hundred (\$100.00) dollars each, and for sick or disability benefits not exceed-

Wartime and  
veterans  
organiza-  
tions.

ing five hundred (\$500.00) dollars to any one person, in any one year. Any corporation, society, order, or voluntary association organized under the provisions of this section shall file with the Insurance Department a copy of all its rates and policy forms, which rates and policy forms must be approved by the said Insurance Department before becoming effective; and all such rates and forms shall be observed by said society until amended rates or forms shall have been filed with and approved by the said Insurance Department.

Passed the Senate February 11, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 63.

[S. B. 192.]

### FISHERIES CODE.

AN ACT relating to fisheries, fishing licenses and excise taxes on fish, and amending sections 51 and 52 of chapter 31 of the Laws of 1915, and further amending said chapter 31 of the Laws of 1915 by adding thereto a new section to be known as section 51a, and declaring that this act shall take effect March 31st, 1921.

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

SECTION 1. That section 51 of chapter 31 of the laws of 1915 be amended to read as follows:

Section 51. Licenses herein required shall be issued to any qualified person, firm or corporation, by the director of licenses or his duly authorized deputy upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose accompanied by the receipt of the state treasurer for the required fee, and the director of licenses

Issue of  
licenses.

shall cause to be endorsed on such application the number of the license issued and the date of issue, and transmit the application to the director of fisheries and game. All applications for licenses shall be filed with the state treasurer accompanied by the proper fees, which shall be respectively as follows:

Fees  
enumerated.

For each pound net or fish trap license for taking salmon at both ends, on Puget Sound, one hundred dollars (\$100.00);

For each pound net or fish trap license for taking salmon on Puget Sound, fifty dollars (\$50.00);

For each first-class pound net or fish trap license for taking salmon on the Columbia river, twenty-five dollars (\$25.00);

For each second-class pound net or fish trap license, fifteen dollars (\$15.00);

(A first-class trap is hereby defined to be a trap on the Columbia river that during the preceding season caught fish of the value of one thousand dollars or more, and a second-class trap, a trap on the Columbia river that caught during the preceding season fish of the value of less than one thousand dollars (\$1,000.00).

For each pound net or fish trap license for the taking of salmon in Willapa and Grays Harbor, fifteen dollars (\$15.00);

For each brush weir license for the taking of smelt and herring, twenty-five dollars (\$25.00);

For each stationary fish wheel license for the taking of salmon, thirty-five dollars (\$35.00);

For each scow fish wheel license for the taking of salmon, twenty-five dollars (\$25.00);

For each purse seine license, twenty-seven and fifty one hundredths dollars (\$27.50);

For each gill net license for the taking of salmon the net to be not over 750 feet long, seven and fifty one-hundredths dollars (\$7.50), and for each additional lineal foot in length one cent (1c).

(All gill net licenses issued by the State of Oregon shall be valid in the concurrent waters of the Columbia river in this state. The director of licenses when issuing gill net licenses for the Columbia river district shall furnish to the fisheries department of Oregon the names of all licensees and the numbers of their licenses.)

For each reef net, five dollars (\$5.00);

For each drag seine license, three cents per lineal foot;

For each set net license for the taking of salmon, three and seventy-five one-hundredths dollars (\$3.75).

For each dip bag net license for the taking of smelt or herring, one dollar (\$1.00);

(Any person may use a jigger in the taking of smelt or herring for the use of himself and family without any license therefor.)

For each smelt drag bag net on Puget Sound not exceeding forty feet in length, one dollar (\$1.00); and each additional foot, three cents per lineal foot;

For each license for beam trawl, ten dollars (\$10.00);

For each license to fish with hook and line for commercial purposes two dollars (\$2.00);

(A hook and line license as herein provided for, when used in salt water, or in the Columbia river, shall permit of the use of not more than six (6) lines to which may be attached a total of twelve (12) hooks, and all to be operated from a single boat or other floating appliance; when used in fresh water, shall consist of a single hook attached to a single line, held in the hand.)

For each set line license, one dollar (\$1.00);

(Not more than one hundred hooks shall be attached to any one set line.)

The licenses issued by the director of licenses for the appliances hereinbefore mentioned shall

specify the district wherein the license is to be used and no license for one district shall be used in another.

For each license to take crabs, one dollar (\$1.00);

For each license to take clams and mussels, one dollar (\$1.00);

For each license to take oysters from the state reserves for seed purposes under regulations to be promulgated annually by the director of fisheries and game, five dollars (\$5.00);

For each person, firm or corporation engaged in the business of buying and selling, packing and preserving, or otherwise dealing in trout or other food fish obtained from private hatcheries of this state, two and fifty one-hundredths dollars (\$2.50);

For each restaurant or hotel keeper serving to guests trout or other food fish obtained from private hatcheries in this state, one dollar (\$1.00);

For each private trout hatchery, twenty-five dollars (\$25.00);

For each codfish canning or curing establishment, five dollars (\$5.00);

For each establishment for the manufacture of fertilizer, oil meal, or other by-products from fish, twenty-five dollars (\$25.00);

For each person, firm or corporation buying, selling or otherwise dealing in halibut as wholesaler or as a broker, five dollars (\$5.00);

For each retail fish dealer, a license fee of one dollar (\$1.00);

(A retail dealer is hereby defined to be a person who sells fish directly to the consumer, whether or not he is the taker or catcher of the fish. A license to take fish in the State of Washington shall not be deemed to give the right to sell the same at retail without a retail license.)

For each fish broker and each wholesale dealer in fish and shell fish, except halibut, ten dollars (\$10.00);

For each person engaged in freezing, salting, smoking, kippering, preserving fish in ice or otherwise, ten dollars (\$10.00);

For each person engaged as a buyer of food fish for any person, firm or corporation, one dollar (\$1.00);

(No buyers' license shall be issued except to the person, firm or corporation engaging the services of said buyer, application for which shall be made upon blanks to be furnished by the director of licenses.

A person engaged as a buyer of food fish for others is hereby defined to be a person who is engaged as the representative of a person, firm or corporation licensed as a canner, curer, freezer, wholesale fish dealer or broker under the laws of the State of Washington.

Any person, firm or corporation holding a license under this act as a canner, curer, freezer, wholesale dealer, retail dealer, broker, or their buyers, is hereby authorized to purchase fish.

On the Columbia river, where it forms the boundary between the states of Washington and Oregon, a fisherman, licensed under the laws of the State of Washington, may dispose of his catch to a person, firm or corporation, other than those licensed to buy fish under the laws of the State of Washington: *Provided*, That he reports the number of fish, species stated separately, so disposed of, and pays to the treasurer of the State of Washington the catch and other taxes provided by this act.)

For each person, firm or corporation not licensed by the State of Washington as canners, wholesale dealers, freezers or curers using scows, boats, or other water craft in the buying of fish on the Co-

lumbia river, for each scow, boat or other water craft, a license fee of fifty dollars (\$50.00);

(Such licensee of said scow, boat or other water craft shall give a bond to the State of Washington in the amount fixed by the director of fisheries and game conditioned for the payment to the State of Washington of catch taxes for the fish which he may purchase from the owner, operator, or agent of appliances, licensed by the State of Washington.)

For each person, firm or corporation engaged in canning or preserving salmon or other food fish in the State of Washington, twenty-five dollars (\$25.00);

For each person, firm or corporation engaged in canning or preserving shell fish in the State of Washington, fifteen dollars (\$15.00);

(For the purpose of this act a case of fish is defined to consist of forty-eight (48) one pound cans, bottles, or their equivalent in weight.)

No person, firm or corporation shall engage in business as a canner, wholesale fish dealer or retail fish dealer, or fish broker, or engage in the business of freezing, salting, smoking, kippering, preserving fish in ice or otherwise, without first having procured a license as required by this act.

SEC. 2. That said chapter 31 of the laws of 1915 is hereby further amended by adding thereto a new section to be known as section 51a, to read as follows:

Section 51a. There shall be paid to the treasurer of the State of Washington, for the salmon and other food and shell fish taken from its waters or from those over which it has jurisdiction, by the person, firm or corporation catching or taking the same, and for the salmon and other food fish taken in the waters of the Pacific Ocean off the western territorial limits of the State of Washington, by the person bringing the same into the State of Washington, the sums herein mentioned, which shall be in

Payments in  
addition to  
license fees.

addition to the licenses and other fees provided by this act:

For each Chinook salmon caught in the Columbia river district between the 1st day of January and the 26th day of August, both dates inclusive, eleven cents (11c); .

For each Chinook salmon caught in the Columbia river district from the 27th day of August to the 31st day of December, both dates inclusive, three and one-quarter cents ( $3\frac{1}{4}c$ );

For each Chinook salmon caught in Grays Harbor or Willapa Harbor district, four cents (4c);

For each Chinook salmon caught in Puget Sound district, seven and one-half cents ( $7\frac{1}{2}c$ );

For each dog or chum salmon caught, four-fifths of a cent ( $\frac{4}{5}c$ );

For each humpback salmon caught, three-fourths of a cent ( $\frac{3}{4}c$ );

For each silver salmon caught, one and one-half cent ( $1\frac{1}{2}c$ );

For each sockeye salmon caught, two cents (2c);

For each steelhead salmon caught, four and one-third cents ( $4\frac{1}{3}c$ );

For each 100 pounds or fraction thereof of razor clams at the rate of eleven cents (11c) per 100 pounds;

For all clams and mussels of all varieties other than razor, at the rate of nine cents (9c) per 100 pounds;

For all crabs at the rate of six and one-half cents ( $6\frac{1}{2}c$ ) per dozen;

For all shrimp at the rate of fifty-four cents (54c) per 100 pounds;

For all sea bass, at the rate of twenty-six cents (26c) per 100 pounds;

For all carp at the rate of two and one-half cents ( $2\frac{1}{2}c$ ) per 100 pounds;

For all black cod at the rate of twenty-two cents (22c) per 100 pounds;

For all ling cod at the rate of thirteen cents (13c) per 100 pounds;

For all rock cod at the rate of thirty cents (30c) per 100 pounds;

For all cod fish, other than black, ling and rock, at the rate of nine cents (9c) per 100 pounds;

For all devil fish at the rate of twenty-six cents (26c) per 100 pounds;

For all dog fish at the rate of forty-three cents (43c) per ton;

For all flounders, at the rate of nine cents (9c) per 100 pounds;

For all halibut, at the rate of forty-three cents (43c) per 100 pounds;

For all herring, at the rate of four and one-half cents (4½c) per 100 pounds;

For all mackerel, at the rate of twenty-two cents (22c) per 100 pounds;

For all salt water perch, at the rate of twenty-six cents (26c) per 100 pounds;

For all red snapper, at the rate of nine cents (9c) per 100 pounds;

For all sable fish, at the rate of twenty-six cents (26c) per 100 pounds;

For all sand-dabs, at the rate of thirty-nine cents (39c) per 100 pounds;

For all shad, at the rate of ten cents (10c) per 100 pounds;

For all skates, at the rate of nine cents (9c) per 100 pounds;

For all smelt caught in the Columbia river district, at the rate of three and one-half cents (3½c) per 100 pounds;

For all smelt caught in the Puget Sound district, at the rate of fifteen cents (15c) per 100 pounds;

For all sole, at the rate of thirteen cents (13c) per 100 pounds;

For each sturgeon caught in the Columbia river district, seventeen cents (17c);

For each sturgeon caught in Puget Sound, Grays Harbor or Willapa Harbor district, twenty-six cents (26c);

For all Dolly Varden trout, at the rate of fifty-five cents (55c) per 100 pounds;

For all food fish other than those listed, and all fish which may hereafter be classified as food fish by the board of fisheries, at the rate of ten cents (10c) per 100 pounds.

Payment of the foregoing tax for each and every fish taken or caught shall be made by the person taking or catching the fish unless the fish are sold to some licensed canner, wholesale fish dealer, broker, or person engaged in freezing, salting, smoking, kippering, or otherwise preserving fish, or unless the fish be sold to some other person, firm or corporation who is required under the laws of the State of Washington to be licensed in order to purchase fish in said state, and who by the terms of this act is made liable to the State of Washington for the payment of the catch taxes by this act provided. Payment shall be made for the fish caught or taken during the preceding four months, on March 31st, July 31st, and November 30th of each year.

In case such fish are sold, by the taker or catcher, to a canner, wholesale dealer, broker, or curer of fish, then and in that case the canner, wholesale dealer, broker, or curer of fish purchasing the same is hereby required to pay said catch tax to the state at the time of making the report of fish purchased during the four months' period preceding March 31, July 31, and November 30 of each year.

It shall be prima facie evidence that fish were caught within the waters of the state when disposed

of within the state by a person operating an appliance licensed under the provisions of this act.

The purpose of this provision is to insure that any person taking any of the salmon or other food or shell fish from the waters of the State of Washington or those over which it has jurisdiction, or taking any salmon or other food fish from the waters of the Pacific Ocean off the western territorial limits of the State of Washington, shall pay to the state the catch tax by this act provided.

SEC. 3. That section 52 of chapter 31 of the laws of 1915 be amended to read as follows:

Licensee to  
make report.

Section 52. Every licensee of a fishing appliance licensed by the terms of this act shall file a report with the state treasurer, under oath, on a blank to be furnished upon request by the director of fisheries and game, on the last day of March, July and November of each year, for the four months preceding the date on which the report is made, stating the number of salmon, species stated separately, the number of crabs, sturgeon, pounds of smelt, herring, shrimps, clams, shad, sea bass, carp, black, ling, rock and other cod fish; devil fish, dog-fish, flounders, halibut, mackerel, salt water perch, red snapper, sable fish, sand-dabs, skates, sole, Dolly Varden trout, and all other food fish, other than those listed, and all fish which may hereafter be classified as food fish by the board of fisheries, caught during the preceding four months' period together with the name of the person, firm or corporation to whom sold, the number and quantity delivered to each purchaser, and shall at the same time remit to the state treasurer the catch taxes, license charges and the additional fees required by this act and it shall be the duty of the state treasurer, upon receiving any such report, to endorse thereon his duplicate receipt for the taxes, charges and fees, if any, accompanying the report, and transmit the report to the director of fisheries

and game, and deposit the moneys received in the state treasury to the credit of the fisheries fund.

Every person receiving a license under the terms of this act must make report on dates specified, irrespective of whether or not any appliance was operated or fish caught during the four months preceding the date of the report.

No owner of any licensed fishing appliance, who has sold the fish caught under his license to any canner, wholesale dealer, broker, or to any person, firm or corporation engaged in freezing, salting, smoking, kippering, mild-curing, curing or otherwise preserving fish, who by the terms of this act are held responsible to the state for the collection of the catch taxes, need remit said taxes at the time of making his report, but remittance in payment of fish caught by said licensee shall be made by the canner, wholesale dealer, broker, or curer of fish to whom said licensee has sold his catch.

And every person, firm or corporation engaged in canning, preserving, salting, smoking, kippering, mild curing, curing, freezing, preserving in ice or otherwise, or in buying, selling, or otherwise dealing in food or shell fish caught within the waters of the state, or in those over which it has jurisdiction, as canners, fish brokers, wholesalers, or retailers, either as principal, agent or employee, shall on the same dates and for the same periods file reports with the state treasurer, stating the quantity in pounds of all fish canned, preserved or cured or handled, and all purchases and sales made during the preceding period for which the report is made, the varieties stated separately, together with the name of the person, persons, firms or corporations from whom purchased and the place from which the fish were taken and the appliances with which the same were taken, and at the same time shall remit to the state treas-

urer the catch taxes, license charges, and additional fees required by this act; and it shall be the duty of the state treasurer, upon receiving any such report, to indorse thereon his duplicate receipt for the taxes, charges and fees, if any, accompanying the report, and transmit the report to the director of fisheries and game, and deposit the moneys received in the state treasury to the credit of the fisheries fund.

Every person, firm or corporation engaging in business as a canner, wholesale fish dealer, fish broker, or in the business of freezing, salting, smoking, kippering, or preserving fish in ice or otherwise shall, at the time of procuring a license, execute to the State of Washington a bond in a sum to be fixed by the director of fisheries and game and subject to his approval, conditioned that at the times herein provided he will pay or cause to be paid to the state treasurer the catch taxes and other charges required to be paid by him as required by law; that he will file the reports required by this act with the state treasurer on March 31, July 31, and November 30 of each year, showing all salmon, species stated separately, other food and shell fish purchased by him, the name and license number of the person from whom purchased, and such other information as may be required by the director of fisheries and game, for ascertaining the amount owing or to be owing to the State of Washington for fish taken from the waters of the state and those over which the state has jurisdiction, and for fish taken in the Pacific Ocean off the western territorial limits of the State of Washington and brought into the State of Washington. The director of fisheries and game may require such other provisions to be inserted in said bond as may in his judgment be necessary in order to efficiently administer the laws and to enforce the collection of license fees, taxes and other charges.

Every person, firm or corporation engaged in any branch of the fishing industry, including oysters, clams and shell fish and including any by-product thereof shall on or before the 31st day of March of each year report to the director of fisheries and game in writing upon blanks furnished upon request by the director of fisheries and game the amount of capital invested in the business, the quantity and kind of equipment and the value thereof and where situated, the value of the product handled, the number of employees and the wages paid during the preceding year; and any person, firm or corporation who shall fail to make the reports in this paragraph provided and at the same time make payment of the amounts of money due to the state shall be guilty of a gross misdemeanor and the amounts owing by any such persons for license charges and additional charges shall become and constitute a first lien upon the fishing appliances of any such person and also a lien on the real and personal property of the person owing such sum or sums, from and after a notice of such lien on behalf of the state shall have been filed in the office of the county auditor in which the person owing such amount or amounts shall reside; the notice of lien to be filed by the director of fisheries and game shall be sufficient if it shall state the amount for which the lien is claimed and the person owing same. Every person, firm or corporation owning or operating codfish canning or curing establishments or owning or operating establishments for the manufacture of fertilizer, oil, meal or other by-product from fish or engaged in the buying, selling or dealing in halibut at wholesale or as a broker, shall make reports to the director of fisheries and game at the times and for the periods in this section provided, stating the quantity of fish with the species bought or sold or handled with the names of the persons from whom purchased and the waters from

which taken, and also the quantity and value of all fish or fish by-products handled by them.

Emergency  
clause.

SEC. 4. This act is necessary for the support of the state government and its existing public institutions, and shall take effect March 31, 1921.

Passed the Senate February 28, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 64.

[H. B. 61.]

### PROTECTION AGAINST FOREST FIRES.

AN ACT relating to state forests, authorizing the State board of forest commissioners to correct errors in forest protection assessments on the county tax rolls, requiring the state forester to furnish surety bond and amending sections 2580 and 2582 of Pierce's Code, and amending chapter 105 of the Laws of 1917, by adding a new section to be known and designated as section 8.

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

SECTION 1. That section 2580 Pierce's Code (Laws 1917, chapter 105, section 2), be amended to read as follows:

Protection  
provided by  
state  
forester.

Section 2580. If any owner or owners of forest land shall neglect or fail to provide adequate fire protection therefor as required by section one of this act, then the state forester, under direction from the state board of forest commissioners, shall provide such protection therefor at a cost not to exceed five (5) cents an acre per annum. Any amounts paid or contracted to be paid by the state forester for this purpose shall be a lien upon the property patrolled and protected and, unless reimbursed by the owner within ten days after October first of the year in

which they were incurred, on which date the state forester shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the state forester to the county assessors of the county or counties in which the property is situated who shall extend the amounts upon the tax rolls covering such property, and the amounts shall be collected at the time and in the same manner by the same procedure and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the state board of forest commissioners by certifying the same to the county treasurer of the county in which the land involved is situated. Upon the collection of said assessments the county officials shall repay said amounts to the state forester to be applied to the expenses incurred in carrying out the provisions of this section: *Provided*, That the state forester is hereby authorized and required to include in the assessment herein authorized against the owner or owners of forest lands neglecting to provide adequate fire protection, a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of the provisions of chapter 105, Laws of 1917 and subsequent amendments thereto, and is authorized to expend any sums heretofore collected from owners of forest lands or coming from any other source for any necessary office and clerical expenses in connection with the enforcement of the provisions of section 2 of this act: *Provided further*, That the state forester is required to furnish a good and sufficient bond of a surety company running to the State of Washington, in a sum as great as the probable amount of money annually coming into his hands under the provisions

of this act, conditioned for the faithful performance of his duties as such officer and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

SEC. 2. That section 2582 Pierce's Code (chapter 105, Laws 1917, section 4), be amended to read as follows:

Section 2582. Any and all cut-over land or slashings in the State of Washington covered wholly or in part by inflammable debris and which by reason of such condition is likely to further the spread of fire and thereby endanger life or property, a finding to which effect by the state forester shall be *prima facie* evidence of such fact, is hereby declared a public nuisance, and the owner or owners thereof or the agency responsible for its existence, if such be not the owner, are hereby required to abate such nuisance forthwith under the general direction of the state forester.

If the person, firm or corporation responsible for the existence of any such nuisance shall refuse, neglect or fail to abate it after a ten days notice by the state forester, the latter may summarily cause it to be abated and the cost thereof and of any patrol or fire fighting made necessary by such nuisance may be recovered from said person, firm or corporation responsible therefor or from the owner of the land on which such nuisance existed by an action for debt and said costs shall also be a lien upon said land and may be enforced in the same manner, with the same effect and by the same agencies as the lien provided for in section 3 of this act.

SEC. 3. That chapter 105 of the Laws of 1917 be amended by adding a new section to be known and designated as section 8, to read as follows:

Section 8. The director of conservation and development, through and by means of the division of

When cut-over land or slashing constitute public nuisance.

forestry, shall, upon the appointment, qualification and assumption of his duties, exercise all the powers and perform all the duties vested in, and required by this act to be performed by, either the state forester or the state board of forest commissioners.

Division of  
forestry to  
perform  
duties of  
state  
forester, etc.

Passed the House, February 14, 1921.

Passed the Senate, March 2, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 65.

[H. B. 114.]

### VERDICTS OF JURIES AND JUDGMENTS THEREON.

AN ACT relating to the verdicts of juries and judgments entered thereon, declaring the effect of verdicts, and repealing section 8081 Pierce's Code, 431 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. In any action tried by jury in which a verdict is returned, judgment in conformity with the verdict may be entered by the court at any time after two days from the return of such verdict. Any motion for judgment notwithstanding the verdict, or any motion for a new trial, or any motion attacking the verdict for other causes, shall be served on the adverse party and filed with the clerk of the court within two days after the return of the verdict, and no judgment shall be entered in the cause until after the disposition of such motion. The judgment shall be in writing, signed by the judge of the court in which the action is pending, and shall be filed with the clerk and recorded in the journal of the court.

Time of  
entry.

SEC. 2. The clerk on the return of a verdict shall forthwith enter the same in the execution docket,

Entry of  
verdict.

specifying the amount thereof, and the names of the parties to the action and the party or parties against whom the verdict is rendered; such entry shall be indexed in the record index and shall conform as near as may be to entries of judgments required to be made in such execution docket. On the entry of such verdict as herein provided, the same shall be notice to all the world of the rendition thereof, and any person subsequently acquiring title to or a lien upon the real property of the party or parties against whom the verdict is returned shall be deemed to have acquired such title or lien with notice, and such title or lien shall be subject and inferior to any judgment afterwards entered on the verdict.

Abstract of  
verdict.

SEC. 3. The clerk shall, on request and at the expense of the party in whose favor the verdict is rendered, or his attorney, prepare an abstract of such verdict in substantially the same form as an abstract of a judgment and transmit such abstract to the clerk of any court in any county in the state as directed, and shall make a note on the execution docket of the name of the county to which each of such abstracts is sent. The clerk receiving such abstract shall, on payment of a fee of fifty cents therefor, enter and index the same in the execution docket in the same manner as an abstract of judgment. On the entry thereof the same shall have the same effect in such county as in the county where rendered.

Whenever the verdict, or any judgment rendered thereon, shall cease to be a lien in the county where rendered, the clerk of the court shall on request of anyone, and the payment of the cost and expense thereof, certify that the lien thereof has ceased, and transmit such certificate to the clerk of any court to which an abstract was forwarded, and such clerk receiving the certificate, on payment of a fee of fifty cents therefor, shall enter the same in the execution docket, and then and thereupon the lien of such ver-

dict or judgment shall cease. Nothing in this act shall be construed as authorizing the issuance of an execution in any other county than that in which the judgment is rendered.

SEC. 4. Section 8081 Pierce's Code, 431 of Rem. & Bal. Code, and all acts and parts of acts in conflict herewith, are hereby repealed.

Repealing clause.

Passed the House, February 18, 1921.

Passed the Senate, March 2, 1921.

Approved by the Governor March 10, 1921.

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### CHAPTER 66.

[H. B. 134.]

#### RIGHTS OF WAY ACROSS BELLINGHAM NORMAL SCHOOL LANDS.

AN ACT authorizing the board of trustees of the state normal school at Bellingham to grant rights of way for highway across such school lands.

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

SECTION 1. That the board of trustees of the state normal school at Bellingham are hereby authorized to grant to the park board of the city of Bellingham without charge a right of way for a highway over and across any of the lands belonging to such school: *Provided*, That neither the State of Washington, the said state normal school, nor any of the lands thereof shall ever be assessed or required to pay any part of the cost of construction, improvement, or maintenance of any such highway.

Trustees authorized to grant rights of way.

Passed the House, March 3, 1921.

Passed the Senate, March 9, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 67.

[H. B. 311.]

PRESERVATION AND PROTECTION OF FORESTS  
AND TIMBER.

AN ACT relating to the preservation and protection of certain forests and timber, providing penalties, declaring that this act shall take effect immediately, and making an appropriation.

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

Forests and  
timber  
protected.

SECTION 1. All forests and timber upon all lands in the State of Washington, lying west of a line one mile west of the eastern boundary of range ten west of the Willamette Meridian and north of the north boundary line of Grays Harbor county, shall be protected and preserved from the fire hazard to which they are or may be exposed by reason of the unusual quantity of fallen timber upon such lands. It shall therefore be unlawful for any person, firm, company or corporation, their officers, agents or employees, to do or commit any act which shall expose any of the forests or timber upon such lands to the hazard of fire.

Governor to  
make rules.

SEC. 2. The governor shall have the power and it shall be his duty to make, adopt, amend and promulgate rules and regulations for the preservation and protection of the forests and timber situated upon the lands described in section 1 of this act, from damage or destruction by fire.

Publication  
of rules.

SEC. 3. All such rules and regulations or amendments thereto shall be promulgated by the governor 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.

Violations  
of rules.

SEC. 4. Any person violating or failing to comply with any rules or regulations of the governor, made

under the provisions of this act, shall be guilty of a gross misdemeanor.

SEC. 5. There is hereby appropriated from the general fund the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary, to be expended by the governor in such manner as he may deem necessary, to protect and preserve such forests and timber from damage or destruction by fire.

Appropriation  
\$100,000.00.

SEC. 6. The governor may appoint such agents or employees as he may deem necessary to properly carry out the provisions of this act, and he may empower such agents or employees to allow claims or to do any other act which the governor is authorized by this act to perform.

Governor  
may appoint  
agents, etc.

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

Emergency  
clause.

Passed the House, March 5, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 68.

[H. B. 33.]

### DISPLAY OF UNITED STATES FLAG AT POLLING PLACES.

AN ACT relating to elections and requiring the United States flag to be displayed at the polls.

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

SECTION 1. At all state, county, or municipal elections the flag of the United States shall be conspicuously displayed in front of each polling place and it

Duty to  
display flag.

is hereby made the duty of the officers now charged by law with the duty of furnishing election supplies to provide therefor.

Passed the House, February 8, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 69.

[H. B. 90.]

### SUSPENSION OF SENTENCES UPON CONVICTION OF CRIMES.

AN ACT relating to the suspension of sentences upon conviction of a person 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, and amending section 2280 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 2280 of Rem. & Bal. Code be amended to read as follows:

Section 2280. 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 parol or peace officer during the term of such suspension, upon such terms as the court may determine. In no case shall a sentence be suspended under the provisions of this section unless the

When  
authorized.

prisoner if sentenced to confinement in a penal institution be placed under the charge of a parol officer, who is a duly appointed and acting officer of the institution to which the person is sentenced.

Passed the House, February 17, 1921.

Passed the Senate, March 9, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 70.

[H. B. 101.]

### POLICE JUSTICES IN FOURTH CLASS CITIES OR TOWNS.

AN ACT relating to the appointment, powers and duties of police justices in fourth class cities or towns, and amending section 7748 of Remington & Ballinger's Annotated Codes and Statutes of Washington (Section 853, Pierce's Washington Code).

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

SECTION 1. That section 7748 of Rem. & Bal. Code be amended to read as follows:

Section 7748. There shall be appointed by the mayor a police justice from the justices of the peace duly elected or appointed under the laws of the State of Washington for said town, which appointment shall become effective when confirmed by the council. Such police justice so appointed, in addition to his powers as a justice of the peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the town, and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon and full power to forfeit cash bail, and full power to hear and determine all causes,

Appointment  
and  
jurisdiction.

## Appeals.

civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith: *Provided*, That for the violation of a criminal ordinance no greater punishment shall be imposed than a fine of one hundred dollars or imprisonment not to exceed thirty days or by both such fine and imprisonment. In the trial of actions brought for the violation of any town ordinance no jury shall be allowed, and no change of venue shall be allowed from such police judge in actions brought for violation of town ordinances. All criminal and civil proceedings before such police justice and judgment rendered by him shall be subject to review in the superior court of the proper county by writ of review or appeal. In actions brought before such police justice to enforce or recover any license, penalty or forfeiture declared or given by any ordinance and in all other civil actions the manner of commencing the same, the manner of obtaining service upon the defendant, the procedure during the pendency of the action and for the enforcement of the judgment obtained, if any, and the procedure in appeal therefrom, together with the time limitation upon such appeal shall be as provided in the case of civil actions before justices of the peace. All officers so appointed by the mayor and confirmed by the council are subject to removal by the town council at any time for cause deemed sufficient. Said police justice shall, before entering upon the duties of his office, give such additional bond to the city for the faithful performance of his duties as the city council may by ordinance direct, and shall receive such salary in addition to his salary as justice of the peace as the council may by ordinance direct.

Passed the House, February 24, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 71.

[H. B. 182.]

## SEARCH OF PRIVATE DWELLINGS.

AN ACT prohibiting the entry and search of private dwelling houses or places of residence without a search warrant and providing a penalty.

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

SECTION 1. It shall be unlawful for any policeman or other peace officer to enter and search any private dwelling house or place of residence without the authority of a search warrant issued upon a complaint as by law provided. Search  
warrant  
necessary.

SEC. 2. Any policeman or other peace officer violating the provisions of this act shall be guilty of a gross misdemeanor.

Passed the House, February 17, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 72.

[H. B. 258.]

## INDUSTRIAL AID TO THE ADULT BLIND.

AN ACT relating to and providing for the industrial education and the marketing of the industrial products of the adult blind, providing for county aid therefor, making an appropriation and providing penalties for violation thereof.

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

SECTION 1. The supervisor of industrial relations, with the approval of the director of labor and industries shall appoint an assistant to be known as the supervisor of industrial aid to the adult blind. Supervisor.

General aid. SEC. 2. The director of labor and industries shall have the power and it shall be his duty through and by means of the division of industrial relations, to promote the educational and industrial welfare of the adult blind residents of the state, in both home and factory, to secure suitable employment, furnish materials for adult blind workers and market the products of their labor.

County to aid. SEC. 3. It shall be the duty of the board of county commissioners of the several counties to, from time to time, provide funds for the aid of the industrial and general education of the adult blind of the county who are unable to support themselves, but no person shall be entitled to such aid unless he is a blind person over the age of eighteen years and has been an actual bona fide resident of the State of Washington for more than three years and of the county for at least one year immediately preceding his application for such aid, or was blinded within the state while a bona fide resident thereof and is unable to earn a livelihood from the consequence of his blindness and is a person of such physical and mental capacity as is likely to be benefited by the aid herein provided for.

Application by adult blind for aid. SEC. 4. Any adult blind person entitled to aid under the provisions of this act and desiring to obtain the same, shall make application therefor in writing upon a blank to be furnished by the supervisor of industrial aid to the adult blind, verified under oath by the applicant and supported by the recommendation of the director of labor and industries, setting forth the facts in the particular case; the board of county commissioners shall hear the application and may require the furnishing of additional evidence in support thereof. In case the application is granted, the board shall enter an order specifying the aid to be granted, not to exceed the sum of thirty-five dollars per month, nor to exceed the sum of three

hundred dollars in all: *Provided*, That when it shall appear that the earnings of the blind person are exceeding the sum of fifteen dollars per month, the county aid shall be reduced by the amount of the excess of such earnings over the sum of fifteen dollars. It shall be the duty of every person granted county aid under the provisions of this act to, on or before the tenth day of each calendar month, file with the county auditor upon a blank to be furnished for that purpose, a statement of his earnings for the preceding calendar month, subscribed and verified under oath by the person entitled to the aid. A certified copy of the order granting the aid shall be filed with the county auditor of the county in which the blind person is a resident and thereupon and thereafter, so long as such order remains in force, it shall be the duty of the county auditor, on or before the tenth day of each calendar month, to draw his warrant on the current expense fund of the county in favor of such blind person, in the amount specified in such order, less the amount of the earnings of the blind person in excess of fifteen dollars for the preceding calendar month, and to deliver such warrant to the person granted the aid.

SEC. 5. The removal of any blind person receiving aid under the provisions of this act to any part of the state other than the county of his legal residence, for the purposes of education or employment, shall not deprive such blind person of the aid provided for in this act.

Removal to another county no bar to aid.

SEC. 6. Whenever it shall be made to appear to the board of county commissioners that any blind person receiving aid under the provisions of this act is through wilful neglect, indolence or incapacity, not profiting by such aid, the board shall be authorized to rescind the order granting the aid.

Rescission of order granting aid.

Creation of adult blind revolving fund.

SEC. 7. There is hereby created in the state treasury a special fund, to be known as the adult blind revolving fund, from which shall be paid all sums required for the purchase of materials for blind workers and into which shall be paid all sums received from the sale of the products of blind workers, equal to the cost of the materials furnished therefor. The director of labor and industries shall have the power to authorize the supervisor of industrial aid to the adult blind, to purchase and distribute materials to blind workers and to market the products manufactured therefrom and to pay to the blind workers all sums received in excess of the cost of the materials used in such products, and to pay the cost of such materials into the state treasury, to the credit of the adult blind revolving fund.

Appropriation \$7,500.00 general fund; \$20,000.00 adult blind revolving fund.

SEC. 8. There is hereby appropriated out of the general fund in the state treasury into the adult blind revolving fund, the sum of seventy-five hundred dollars; for the purpose of purchasing materials for the use of the adult blind, there is hereby appropriated out of the adult blind revolving fund the sum of twenty thousand dollars; for the purpose of salaries and wages, supplies, materials and service for the department of labor and industries in carrying out the provisions of this act, there is hereby appropriated out of the general fund the sum of five thousand dollars.

Crime for fraudulently procuring aid.

SEC. 9. Any person fraudulently procuring aid from any county as herein provided for any person not entitled thereto shall be guilty of a gross misdemeanor.

Passed the House March 5, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 73.

[H. B. 275.]

EXAMINATION OF BANKS, MUTUAL SAVINGS BANKS  
AND TRUST COMPANIES.

AN ACT relating to the examination of banks, mutual savings banks and trust companies, and amending section 8 of chapter 80 of the Laws of 1917.

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

SECTION 1. That section 8 of chapter 80 of the Laws of 1917 be amended to read as follows:

Section 8. The director of taxation and examination, through and by means of the division of banking, shall collect from each bank, mutual savings bank, or trust company for each complete examination of its condition the following fees: From each bank or trust company, having a capital of less than \$20,000 the sum of \$30.00; having a capital of \$20,000 and less than \$50,000 the sum of \$40.00; having a capital of \$50,000 or more, the sum of \$50.00; and from each mutual savings bank the sum of \$50.00; and in addition thereto one one-hundredth (1-100%) of one per cent on all deposits, at the time of examination. For each examination other than a complete examination he shall charge and collect the cost thereof but not less than \$25.00; *Provided*, That as to a trust company not doing a banking business the charge for an examination shall be the cost thereof but not less than \$50.00.

Fees for examinations.

SEC. 2. The powers and duties conferred by this act on the director of taxation and examination shall be exercised and performed by the bank commissioner until such time as the director of taxation and examination shall be appointed, qualified and assume and exercise the duties of his office.

Powers and duties conferred.

Passed the House March 3, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 10, 1921.

## CHAPTER 74.

[H. B. 304.]

## INSPECTION OF AGRICULTURAL COMMODITIES.

AN ACT relating to agriculture, fixing the fees for inspection of agricultural commodities and amending section 2654, Pierce's Code, (Section 13 of Chapter 189, Session Laws of 1919.)

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

SECTION 1. That section 2654 of Pierce's Code, (section 13 of chapter 189, Session Laws of 1919), be amended to read as follows:

Section 2654. The Director of Agriculture shall fix the fees for inspection, grading and weighing of the commodities included in the provision of this act, which fees shall not exceed eight cents a ton for sack grain and six cents a ton for bulk grain. The fees for inspection, grading and weighing of such commodities shall be a lien upon such commodity so weighed, graded and or inspected to be paid by the carrier transporting the same and treated by it as an advanced charge, except when the bill of lading contains the notation "Not for terminal weight and grade" and the commodity is not unloaded at a terminal warehouse. The Director of Agriculture shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The Director of Agriculture may also prescribe a reasonable charge for service performed at places other than public terminal warehouses in addition to the regular fees when necessary to avoid rendering the service at a loss to the state. All moneys collected under the provisions of this act and all fines and penalties for violation thereof, shall be paid into the state treasury. The state auditor may

Fees and charges.

anticipate the receipts and issue warrants to cover the same to any amount not exceeding fifteen thousand dollars (\$15,000.00)..

Passed the House March 5, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 10, 1921.

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## CHAPTER 75.

[S. B. 64.]

### MILITIA.

AN ACT relating to the militia, and amending Sections 3765-4, 3765-22, 3765-52 Pierce's Code.

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

SECTION 1. That Section 3765-4 Pierce's Code be amended to read as follows:

Section 3765-4. The duty of maintaining and governing the Organized Militia not in the service of the United States rests upon the States respectively, subject to the constitutional authority of Congress, but the prime object of the force is the national defense. Its efficiency as an agent for national defense necessarily depends upon systematic uniformity in the organization, composition, arms, equipment, training and discipline of its component parts. Its attainment of such uniformity and efficiency requires on the part of each state a rigid adherence to Federal laws and regulations relating to the militia. Therefore, the Governor shall cause the Organized Militia of this State always to conform to all such Federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this State to the contrary. The Organized Militia of Washing-

To conform  
to federal  
regulation.

ton or any part thereof shall be subject to call or draft for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States:

In conformity with the provisions of Federal Statutes, officers and enlisted men of the Organized Militia called or drafted into Federal service by order or proclamation of the President of the United States, shall upon release from Federal service revert to their former status, grade and rank as members of the Organized Militia of Washington, and shall continue to serve in the Organized Militia of Washington until separated therefrom in the manner provided by law.

SEC. 2. That Section 3765-22 Pierce's Code be amended to read as follows:

Section 3765-22. Whenever a vacancy has occurred, or shall be about to occur in the office of the adjutant general of this State, the Governor shall detail for that position from the active list of the Organized Militia of Washington some officer not below the grade of captain of the National Guard, or senior lieutenant of the naval militia, who shall have had at least two years service as an officer of the active list of the Organized Militia during the five years next prior to such detail, and the officer so detailed shall be subject to relief therefrom by the Governor at will, and shall during the continuance of his service as the adjutant general hold the rank and grade of brigadier general.

If, by reason of the call or draft of officers of the Organized Militia of Washington into Federal service, there shall be no officer of the Organized Militia possessing the requisite prior service qualifications available for detail as the adjutant general, then the Governor may detail any officer or former officer of the Organized Militia of Washington as

Adjutant  
general.

acting adjutant general: *Provided*, That in the event the officer on detail as the adjutant general is appointed, called or drafted into the military service of the United States by order or proclamation of the President, he shall be granted leave of absence by the Governor, and such officer shall be entitled, upon release from Federal service, to return to his former status as the adjutant general of Washington, and during the period such adjutant general is in Federal service, the duties of the office of the adjutant general shall be performed by an acting adjutant general, appointed by the Governor, and who shall receive the pay provided for the adjutant general during the period of such assignment.

SEC. 3. That Section 3765-52 Pierce's Code be amended to read as follows:

Section 3765-52. There shall be four stated parades annually, with pay as follows: February 22d, May 30th, July 4th, and November 11th.

Four  
parades  
annually.

Passed by the Senate February 4, 1921.

Passed by the House March 2, 1921.

Approved by the Governor March 11, 1921.

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## CHAPTER 76.

[S. B. 215.]

### SALE OF TIMBER ON CERTAIN STATE LANDS.

AN ACT relating to the sale of timber on state lands in the storm swept area in Clallam or Jefferson Counties, and providing that this act shall take effect immediately.

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

SECTION 1. Wherever the timber on any tract of State land situated in Clallam or Jefferson Counties shall have been damaged by the storm which occurred

Sale of  
timber in  
Clallam and  
Jefferson  
counties.

on January 29, 1921, the Commissioner of Public Lands is hereby authorized to sell the timber on said tract when such sale shall, in his judgment, be to the best interests of the State.

Purchase  
price.

SEC. 2. When application is made for the purchase of any of the timber so affected, the Commissioner may order such inspection as will enable him to determine the minimum price per thousand feet, board measure, to be charged for such timber and shall thereafter fix such minimum price per thousand feet at which the said timber shall be offered and determine the date of sale of same: *Provided*, That payment for said timber shall be made according to the scale of the logs cut and removed, under such terms and conditions as the Commissioner shall prescribe; and *Provided further*, That a bond to guarantee the performance of any contract or agreement entered into with the State of Washington by the purchaser of said timber may be required at the option of the Commissioner of Public Lands.

Notice of  
sale.

SEC. 3. When the Commissioner of Public Lands shall have decided to sell any timber, as provided for in this act, he shall forthwith fix the date of sale and give notice thereof by advertisement published once a week for four weeks next before the time he shall name in said notice, in at least one newspaper of general circulation published in the County in which the timber is situated, which notice shall specify the place, time and terms of sale. The Commissioner of Public Lands is hereby authorized to expend such sum as, in his opinion, may be deemed advisable and necessary for additional advertising of said sale.

Sale.

SEC. 4. The sale of said timber shall be by public auction to the highest bidder and shall be in accordance with the terms and conditions specified in said notice of sale. The County Auditor of the county in which the timber is situated shall conduct said sale,

under the direction of the Commissioner of Public Lands and shall certify the returns of such sale to the Commissioner upon forms prepared for that purpose.

SEC. 5. When ten (10) days shall have elapsed after the receipt of such report of sale, if it shall appear to the Commissioner of Public Lands that the sale was fairly conducted, that all the proceedings were regular, and that the best interests of the state shall be subserved thereby, the commissioner shall confirm said sale and shall issue to the purchaser a contract for said timber upon such terms and conditions, conformable with the notice of sale, as he shall prescribe.

Confirmation  
of sale.

SEC. 6. The Commissioner of Public Lands shall make such rules and regulations as may be necessary to the carrying out of the provisions of this act.

Rules.

SEC. 7. 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 by the Senate March 1, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

## CHAPTER 77.

[S. B. 203.]

## EXHIBITION OF BOVINE ANIMALS.

AN ACT relating to the exhibition of bovine animals and prescribing penalties for the violation thereof.

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

Certificate  
of health  
required  
before  
exhibiting.

SECTION 1. It shall be unlawful to exhibit at any state, county or district fair, or livestock exhibition within the State of Washington, any bovine animal over one year old, unless within six months prior to such exhibition it has been subjected to a tuberculin test and received a certificate of health from a qualified veterinarian. No entry of such animal for exhibition shall be accepted by any authorized representative of any such fairs or exposition, until such certificate of health has been filed with the proper officer of the fair or exposition.

Penalty for  
violation.

SEC. 2. Any person who exhibits or permits the exhibition of any animal in violation of the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two hundred and fifty (\$250.00) dollars.

Passed by the Senate March 3, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

## CHAPTER 78.

[S. B. 181.]

## CONVEYANCE OF STATE LANDS TO LEWIS COUNTY.

AN ACT authorizing the conveyance of certain lands to the County of Lewis.

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

SECTION 1. That the governor be and he is hereby authorized to, in the name of the state, execute and deliver to the county of Lewis a deed conveying all interest of the state in certain lands in Lewis county, in accordance with the provisions of chapter 47 of the Laws of 1913, said lands being described as follows, to-wit: Beginning at the intersection of the south line of Section Seventeen (17), Township Fourteen (14) North, of Range Two (2) West of W. M., with the West right-of-way line of the Somerville Consent Road, and running thence North 15° 20' East along the West line of said Road, Eleven Hundred Forty-four (1144) feet, thence North 2° 33' West along the said West line Seventy-four and four-tenths (74.4) feet, thence West on a line parallel with the said South line of said Section Seventeen (17), Eleven Hundred Sixty-seven and two-tenths (1167.2) feet to within One Hundred Fifty (150) feet of the center line of the Northern Pacific Railroad, thence South 16° 20' West on a line parallel with and One Hundred Fifty (150) feet distant Easterly from the center line of the Northern Pacific Railroad Eleven Hundred and Thirty-five and seven-tenths (1135.7) feet, thence East on a line parallel with and Eighty-seven and three-tenths (87.3) feet North of the South line of said Section Seventeen (17), Eight Hundred Fifty-seven (857) feet, thence South 74° 40' East Three Hundred Thirty (330)

Lands  
described.

feet to the point of beginning, containing Thirty (30) acres, in Section Seventeen (17), Township Fourteen (14) North, of Range Two (2) West of W. M.

Passed by the Senate March 1, 1921.

Passed by the House March 8, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 79.

[S. B. 157.]

### DEFENSE OF STATE OFFICERS AND EMPLOYEES IN CIVIL ACTIONS.

AN ACT relating to the defense of state officers and employees in civil actions and declaring that this act shall take effect immediately.

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

Request for  
defense at  
state  
expense.

SECTION 1. Whenever an action or proceeding for damages shall be instituted against any state officer or employee for the performance of any official act, such officer or employee may request the administrative board to authorize the defense of said action or proceeding at the expense of the state.

Expenses,  
from what  
fund payable.

SEC. 2. If the administrative board shall find that said officer or employee acted in good faith and without negligence, it shall grant said request, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer or employee is attached. In such cases the attorney general shall appear and defend such officer or employee.

Exercise of  
powers and  
duties.

SEC. 3. The governor shall exercise all the powers and perform all the duties herein vested in and required to be performed by the administrative

board, until such time as said board shall be appointed and shall qualify.

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

Passed by the Senate February 23, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 80.

[S. B. 73.]

### FRANCHISES ON STATE HIGHWAYS.

AN ACT relating to state highways, providing for the granting of franchises thereon outside of incorporated cities and towns, and providing penalties for violations thereof.

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

SECTION 1. It shall be unlawful for any person or corporation to construct on, over, across, or along any state highway any water pipe, gas pipe, telegraph, telephone, or electric light or power lines, without having first obtained a franchise so to do in the manner hereinafter in this act provided.

Constructions on highways unlawful.

SEC. 2. The state highway board or committee shall have the power to grant franchises to persons or corporations to use a state highway outside of incorporated cities and towns for the construction and maintenance of water pipes, gas pipes, telephone, telegraph, and electric light and power lines. All applications for such franchises shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired, and the nature of the franchise. Upon the filing of any such application

Granting of franchises.

## Hearings.

a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which the state highway mentioned in the application is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat and in at least one conspicuous place on the state highway or part thereof over which the application for the franchise is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of the newspaper doing the county printing, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and time and place for hearing which shall be at the state capital. In case the application is for a franchise over portions of a state highway in two or more counties, notice shall be given as above provided in each of the counties. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the state highway board or committee.

## Prescribing regulations and conditions.

SEC. 3. All hearings provided for in the preceding section may be adjourned from time to time and from place to place until completed. If after such hearing it is deemed to be for the public interest to grant such franchise in whole or in part, the board, or committee, may make and enter the appropriate order granting the franchise applied for, or such part thereof as it shall deem to be for the public interest, under such rules, regulations and conditions as it may prescribe, and may require any such utility and its appurtenances to be placed in such location on, over, across, or along the state

highway as it finds will cause the least interference with other uses of the state highway. Any person or corporation constructing or operating such utility on, over, across, or along such state highway shall be liable to any person injured thereby for any damage incident to the work of installation or the continuation of the occupancy of such highway by such utility, and shall be liable to the state for all necessary expenses incurred in restoring such highway to a permanent suitable condition for travel. This act shall be construed as an addition to existing laws, and shall not limit powers or rights which may be exercised under existing laws: *Provided*, That no franchise shall be granted for a period of longer than fifty years; *And, Provided further*, That no exclusive franchise or privilege shall be granted.

Damages.

SEC. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Violations.

Passed by the Senate February 9, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 81.

[H. B. 216.]

### DISPOSITION OF LICENSE FEES BY STATE TREASURER.

AN ACT relating to funds in the state treasury, providing for the deposit of certain moneys in, and the payment of certain expenses from the general fund, and abolishing the drugless practitioners' fund.

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

SECTION 1. All moneys received by the state treasurer as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into

Credited to general fund and disbursed for expenses.

the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund. The "Drugless Practitioners' Fund" in the state treasury is abolished and all funds therein are hereby transferred to the general fund.

Passed the House, February 25, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 82.

[H. B. 188.]

### OSTEOPATHY.

AN ACT relating to the licensing of persons to practice osteopathy, and amending Section 17 of Chapter 4 of the Laws of 1919.

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

SECTION 1. That section 17 of chapter 4 of the Laws of 1919 be amended to read as follows:

Section 17. Any person who holds a license authorizing him to practice osteopathy from a board of medical examiners heretofore existing, under the provision of any laws of this state, past or present, shall be entitled to practice osteopathy in this state the same as if issued under this act, and any person, who shall have been examined and licensed to practice osteopathy by a state board of osteopathic examiners of another state or the duly constituted authorities of another state authorized to issue licenses to practice osteopathy upon examination, shall be entitled to receive a license to practice osteopathy in this state upon the payment of a fee of twenty-five

Licenses  
under pre-  
existing laws  
or from other  
states.

dollars (\$25.00) to the state treasurer and filing a copy of his license in such other state, duly certified by the authorities granting the license to be a full, true and correct copy thereof, and certifying also that the standard of requirements adopted by such authorities as provided by the law of such state is equal to that provided for by the provisions of this act: *Provided*, That no license shall issue without examination to any person who has previously failed in an examination held in this state: *Provided, further*, That all licenses herein mentioned may be revoked for unprofessional conduct, in the same manner and upon the same grounds as if issued under this act: *Provided, further*, That the term osteopathy, as used in this act, shall be held to be the practice and procedure as taught and recognized by the regular colleges of osteopathy: *Provided, further*, That no one shall be permitted to practice surgery who has not a license therefor.

Passed the House, February 18, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 83.

[H. B. 287.]

### APPROPRIATION FROM VETERANS' COMPENSATION FUND.

AN ACT making an appropriation from the veterans' compensation fund.

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

SECTION 1. For the purpose of carrying out the provisions of chapter 1 of the laws of the extraordinary session of 1920, there is hereby appropriated

Appropriation \$11,000,000.00.

from the veterans' compensation fund the sum of eleven million dollars (\$11,000,000), or so much thereof as may be necessary.

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

Passed the House, March 1, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 14, 1921.

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## CHAPTER 84.

[H. B. 252.]

### SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations and declaring that this act shall take effect immediately.

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

Division of banking assumes powers and duties.

SECTION 1. That from and after the first day of April, 1921, the director of taxation and examination shall have the power, and it shall be his duty, through and by means of the division of banking, to exercise all the powers and perform all the duties in relation to the organization, inspection, supervision and dissolution of savings and loan associations, now vested in and required to be performed by the state auditor.

When act operates.

SEC. 2. The state auditor shall continue to perform the powers and duties referred to in Section 1 of this act until the director of taxation and examination shall be appointed and shall have qualified.

Emergency.

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

Passed the House, March 3, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 14, 1921.

## CHAPTER 85.

[H. B. 310.]

## INSTITUTIONS OF HIGHER LEARNING.

AN ACT relating to institutions of higher learning and amending  
Sec. 4745 of Pierce's Code.

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

SECTION 1. That Sec. 4745 of Pierce's Code be  
amended to read as follows:

Section 4745. There is hereby established a joint Joint board.  
board of higher curricula composed of seven mem-  
bers, namely, the president of the University of  
Washington, the president of the State College of  
Washington, the president of one of the state normal  
schools to be selected by the presidents of the state  
normal schools and four citizens of the State of  
Washington who are in no way connected with the  
institutions of higher learning, to be appointed by  
the governor. The selected members of the joint  
board shall hold office for two years and shall serve  
until their successors are selected.

Passed the House, March 3, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 14, 1921.

## CHAPTER 86.

[S. B. 212.]

## APPROPRIATIONS FOR PUBLIC HIGHWAYS.

AN ACT relating to public highways and making appropriations for the engineering, construction, improvement, maintenance and paving of the primary and secondary highways of the state and for the maintenance of streets in cities and towns, authorizing the construction of certain highways by days' work, and declaring that this act shall take effect immediately.

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

Appropriation  
\$2,800,000.00  
primary  
highway  
maintenance  
fund.

SECTION 1. For the maintenance of state highways outside of incorporated cities and towns, and of streets in cities and towns through which primary highways pass, there is hereby appropriated out of the primary highway maintenance fund the sum of two million eight hundred thousand dollars (\$2,800,000.00) to be distributed, paid, used and transferred in the manner provided by law.

Appropriation  
\$9,690,000.00  
public high-  
way fund  
and motor  
vehicle fund.

SEC. 2. For the engineering, construction, improvement and/or paving of the primary and secondary highways of the state, heretofore or hereafter contracted for, there is hereby appropriated out of the public highway fund and the motor vehicle fund, or either as funds are available, the sum of nine million six hundred ninety thousand dollars (\$9,690,000.00) to be expended under the direction of the state highway committee. The moneys appropriated by this section are allotted to the respective highways hereinafter named in the amounts specified: *Provided*, That in case any allotment shall exceed the requirements for the engineering, construction, improvement and/or paving of any particular highway, then, and in that event the state highway committee shall have the power and authority to expend the balance remaining of any such allotment for the

engineering, construction, improvement and/or paving of any other highway or part thereof, set out in the following schedule:

PACIFIC HIGHWAY	
Everett North.....	\$30,000.00
Seattle to Blaine.....	1,100,000.00
Seattle to Vancouver.....	1,470,000.00
OLYMPIC HIGHWAY	
Olympia to Discovery Bay.....	470,000.00
East Beach to Forks.....	100,000.00
Quinault North .....	100,000.00
Aberdeen to Perry Creek.....	430,000.00
NAVY YARD HIGHWAY	
Charleston to Union City.....	280,000.00
NATIONAL PARK HIGHWAY	
Tacoma to Rainier National Park.....	360,000.00
Pacific Highway to Elbe.....	270,000.00
OCEAN BEACH HIGHWAY	
Chehalis to Frances.....	240,000.00
Chehalis to South Bend including bridge at Raymond .....	100,000.00
Palix to Holman Beach.....	120,000.00
Johnson's Landing to Nasel.....	50,000.00
Grays River P. O. to Deep River.....	150,000.00
East Bank of Cowlitz River at Kelso,—West.....	200,000.00
NORTH BANK HIGHWAY	
Clarke County Line to Underwood.....	160,000.00
Underwood to Lyle.....	300,000.00
SUNSET HIGHWAY	
Coalfield to Issaquah.....	220,000.00
Swauk Creek to Dryden.....	100,000.00
Farmer to Hartline.....	320,000.00
NACHES PASS HIGHWAY	
Green Water River East.....	125,000.00
INLAND EMPIRE HIGHWAY	
Ellensburg to Selah.....	350,000.00
Buena to Grand View.....	240,000.00
Prosser to Kennewick.....	50,000.00
Dixie to Waitsburg.....	250,000.00
Meadow Creek Bridge.....	20,000.00
Central Ferry Bridge.....	150,000.00
Rosalia to Colfax.....	200,000.00
Spokane to Dennison.....	220,000.00
Springdale to Meyers Falls.....	325,000.00
Kettle Falls North.....	50,000.00

<b>PEND O'REILLE HIGHWAY</b>	
Newport, North .....	\$75,000.00
<b>INLAND EMPIRE HIGHWAY—Eastern Division</b>	
Garfield to Pullman.....	135,000.00
Pomeroy to Clarkston.....	300,000.00
<b>CHELAN AND OKANOGAN HIGHWAY</b>	
Chelan Falls to Okanogan County Line.....	80,000.00
Brewster to B. C. Line.....	75,000.00
Trinidad to Columbia River.....	100,000.00
<b>ROOSEVELT HIGHWAY</b>	
Pateros to Winthrop.....	25,000.00
<b>NORTH CENTRAL HIGHWAY</b>	
Kittitas to Vantage Ferry.....	60,000.00
Wilson Creek to Marlin.....	70,000.00
<b>STATE ROAD No. 4</b>	
Tonasket East.....	30,000.00
Republic West.....	30,000.00
<b>STATE ROAD No. 22</b>	
Davenport to Detillion Bridge.....	70,000.00
<b>CENTRAL WASHINGTON HIGHWAY</b>	
Connell to Ritzville.....	70,000.00
<b>ROOSEVELT OR CASCADE HIGHWAY</b>	
Marble Mount easterly on the Roosevelt or Cascade Highway, to be determined by the state highway committee after an examination as to the feasibility of either route.....	20,000.00

Day labor authorized for certain improvements.

SEC. 3. That part of the Olympic Highway between Hoodspert and Brinnon and from Quinault north; that part of the Navy Yard Highway between Holyoke Creek and Union City; that part of the North Bank Highway between Cooks and Underwood; that part of the Pacific Highway between Bellingham and Blanchard; and that part of the National Park Highway between Chop Hill and Ashford, may be constructed by day's work.

Emergency.

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

Passed by the Senate March 7, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 15, 1921.

## CHAPTER 87.

[H. B. 282.]

## DIKING DISTRICTS.

AN ACT relating to the issuance of bonds by the board of commissioners of diking districts in the state of Washington, and amending Section 4123 of Remington & Ballinger's Annotated Codes and Statutes of Washington (Section 1946-43 Pierce's Wash. Code).

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

SECTION 1. That section 4123 of Rem. & Bal. Code be and the same is hereby amended to read as follows:

Section 4123. Upon the establishment of any district under the provisions of this chapter and the establishment of a system of diking therein as provided for in this act, the board of commissioners of such diking district may, upon petition of the land owners owning a majority of all the lands within such district to be benefited thereby, issue bonds for the total amount of the cost of construction of said improvements, together with the costs of the establishment thereof, including damages assessed and compensation made to land owners for right of way and the expenses and costs of the entire proceeding payable at a time not less than five years nor longer than ten years from the date thereof; and such commissioners may, at any time thereafter without such petition issue bonds for the purpose of funding any outstanding warrants or obligations of such district, and in case of such last named issue, all the outstanding warrants of such district shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him, which call shall be made by said treasurer immediately upon receipt

Bonds, when  
and how  
issued.

of the proceeds from the sale of said bonds by publication for two weeks successively in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication of said call, such last named bonds shall be payable at a time not less than five years nor longer than ten years from the date thereof: *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value.

Passed the House, March 3, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 15, 1921.

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## CHAPTER 88.

[S. B. 243.]

### SUPPLEMENTAL APPROPRIATIONS.

AN ACT making an appropriation for the maintenance of and sundry expenses of the various state institutions and state offices, and for the sundry civil expenses of the state government and for miscellaneous purposes, and for the payment of interest on bonds, and making an appropriation for certain deficiencies, and declaring this Act shall take effect immediately.

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

SECTION 1. The following sums or as much thereof as shall severally be found necessary, are hereby appropriated out of any moneys of the several funds of the state treasury hereinafter named, in payment of salaries of certain officers and [and] employees of the state, and for the operation and maintenance of the various state institutions hereinbelow designated and mentioned, and for other divers purposes hereinafter expressed for the fiscal term beginning April 1, 1921 and ending March 31, 1923.

Appropriation  
authorized.

FROM THE GENERAL FUND

FOR PAYMENT OF INTEREST ON VETERANS' BONUS BONDS  
 (To be repaid to the General Fund from the  
 Veterans' Compensation Bond Retirement  
 Fund as soon as funds are available)..... \$605,000.00

FROM THE VETERANS' COMPENSATION BOND  
 RETIREMENT FUND  
 For payment of interest on Veterans' Bonus  
 Bonds ..... 1,210,000.00

FOR THE STATE AUDITOR'S OFFICE:  
 Salaries and Wages, Supplies, Material and Ser-  
 vice ..... 7,500.00

FOR PRINTING AND BINDING SESSION LAWS:  
 House and Senate Journals, other legislative  
 printing and binding public documents..... 18,000.00

FOR THE STATE SCHOOL FOR GIRLS:  
 Salaries and Wages..... \$15,000.00  
 Supplies, Material and Service..... 20,000.00  
 Total ..... 35,000.00

FOR THE STATE TRAINING SCHOOL:  
 Salaries and Wages..... \$25,000.00  
 Supplies, Material and Service..... 15,000.00  
 Total ..... 40,000.00

FOR THE NORTHERN STATE HOSPITAL:  
 Salaries and Wages..... 20,000.00

FOR THE STATE CUSTODIAL SCHOOL:  
 Salaries and Wages..... \$10,000.00  
 Supplies, Material and Service..... 25,000.00  
 Total ..... 35,000.00

FOR THE ATTORNEY GENERAL'S OFFICE:  
 (Taxation Department)  
 Salaries and Wages..... \$9,500.00  
 Supplies, Material and Service..... 5,000.00  
 Capital Outlays..... 500.00  
 Total ..... 15,000.00

FOR DEPARTMENT OF EFFICIENCY:  
 Salaries and Wages, Supplies, Material and Ser-  
 vice and all other expenses while examining  
 state departments..... 15,000.00

FOR THE STATE GEOLOGICAL SURVEY..... 10,000.00

FOR PACIFIC INTERNATIONAL STOCK SHOW:  
 For payment of premiums to Washington ex-  
 hibitors ..... 10,000.00

} Vetoed  
 L. F. H.

	FOR THE SECRETARY OF STATE'S OFFICE:	
	(Bureau of Statistics)	
	Salaries and Wages, Supplies, Material and Service .....	\$8,000.00
Vetoed L. F. H.	{ For salaries and wages and all other expenses to carry out the provisions of Substitute Senate Bill No. 3, Legislative Session 1921.....	13,500.00
Vetoed L. F. H.		
	FOR THE ELLENSBURG NORMAL:	
	To complete dormitory.....	12,000.00
	FOR FIRST NATIONAL BANK OF COLVILLE:	
	To pay mortgage on escheated property.....	1,256.70
	FOR RELIEF OF LOUISA A. CONNER:	
	Refund of overpayment on Tide Land Contract No. 330.....	448.06
	FROM THE PUBLIC HIGHWAY FUND	
	FOR DOUGLAS COUNTY	
	Local Improvement Assessment against State Property in Sections 3, 4, 5, 6, 10, 13, 16, 19, 34 and 36, Twps. 27 and 28, Ranges 26 and 27 East .....	1,586.71
	FOR CITY OF OLYMPIA:	
	To assist in payment cost of bridge over Waterway, same being part of Olympic Highway...	30,000.00
	FOR RELIEF OF HANS PEDERSON:	
	For services performed and material furnished the state, for which he has not been paid.....	15,000.00
	FROM THE PERMANENT HIGHWAY FUND	
	FOR FERGUSON CONSTRUCTION COMPANY:	
	Account of Permanent Highway No. 2-M (from that part apportioned to King County).....	1,120.48

Emergency.

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

Passed by the Senate March 8, 1921.

Passed by the House March 9, 1921.

Approved by the Governor, except for certain items which are vetoed, March 16, 1921.

## CHAPTER 89.

[S. B. 241.]

## FEDERAL AID ROAD CONSTRUCTION.

AN ACT making an appropriation from the public highway fund, creating a revolving fund, to be applied in payment of federal proportion of cost of federal aid road construction, providing for the payment of federal contributions into the public highway fund, and declaring that this act shall take effect immediately.

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

SECTION 1. That the state treasurer be and he is hereby authorized and directed to place in the state public highway fund any and all federal funds or warrants received as custodian under the operation of the Federal Aid Road Act and the state act assenting thereto, to be held in said public highway fund subject to disbursement therefrom only in accordance with the authority and appropriation set forth in section 2 of this act.

Federal funds.

SEC. 2. That the sum of one million dollars (\$1,000,000.00), or so much thereof as may be necessary, but not in excess of the amount of federal funds or warrants paid or pledged to be paid or reimbursed on account of lawfully obligated federal contributions under specific project agreements, be and the same is hereby appropriated from any moneys available in the public highway fund, the same to constitute a revolving fund to be used for the purposes specified in this act. The state auditor shall draw the necessary warrants and the state treasurer pay the same from this appropriation, only upon vouchers and estimates approved by the state highway commissioner for work actually done upon federal aid projects and only to the extent thereof charged to the federal contributing fund under specific pro-

Appropriation from public highway fund equal to federal contribution.

ject agreements executed by state and federal authority.

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

Passed by the Senate March 5, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 90.

[S. B. 227.]

### LAND SETTLEMENT.

AN ACT relating to the upbuilding of the agricultural resources of the state, establishing and defining a state policy for land settlement, amending section 4, chapter 188, Laws of 1919, adding a new section to said chapter 188, to be known as section 11, and providing penalties for violations thereof.

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

SECTION 1. That section 4 of chapter 188, Laws of 1919 be amended to read as follows:

Section 4. The board shall have power:

**Powers of  
reclamation  
board.**

To investigate and select for settlement suitable areas of undeveloped lands in this state available for settlement:

To purchase and acquire on behalf of the state such privately owned lands as in its judgment are available for settlement, whenever the same shall be within the limits of an approved project and after full investigation and official approval thereof;

To subdivide any lands owned by the state and found available for settlement, including lands purchased or acquired for that purpose, into tracts suitable for farms and farm laborer's allotments;

To make on any such farms and farm laborer's allotments such improvements as may be necessary to render the same habitable and productive;

To accept from private owners deeds or other instruments of trust relating to land and to subdivide, improve, and sell such lands;

To lease to prospective settlers any land selected by the board of settlement;

To dedicate to public use appropriate tracts for roads, school houses or other public purposes;

To purchase and acquire under state laws any state, school or granted lands of the state which the board shall determine are available for settlement under the provisions of this act, whenever the same shall be within the limits of an approved project and after full investigation and official approval thereof:

To purchase and acquire lands in co-operation with the United States under such conditions as may be deemed advisable for the purposes of this act, and to convey the same under such conditions and restrictions as may be approved by the secretary of the interior;

To arrange with the federal government for sharing in the expense of furnishing agricultural training for settlers so as to render them better qualified for the cultivation of their lands, under appropriate conditions of supervision by the federal government;

To sell and convey such improved farms and farm laborer's allotments subject to the limitations of this act;

To make such rules and regulations and perform any and all acts as may be necessary and proper for the purpose of carrying out the provisions of this act.

If it shall appear that federal aid and co-operation shall not be available, or the board shall determine to adopt and proceed with any land settlement project without federal aid and co-operation, then and in such event the board may acquire lands for

such land settlement project and conduct their settlement with moneys from the state reclamation fund appropriated for land settlement purposes.

The board shall have power and it shall be its duty, upon request of any land settlement or colonization company operating in the state of Washington, to make, or cause to be made, a careful examination and, providing investigation warrants, to certify to the following conditions in reference to said company and its project:

(1) That the land is suitable to agricultural purposes and in passing upon this feature it shall first procure a report from the Washington State College and make such further investigations as the board deems advisable;

(2) That its location in reference to markets, public roads, and transportation facilities makes it suitable for colonization purposes;

(3) That the proposed plan of settlement and colonization is in the interest of the settlers and especially in reference to the following points:

(a) The price at which the land is proposed to be sold;

(b) The aid to be rendered the settlers in improving the same;

(c) The rate of interest to be charged and the length of time within which payments are to be made.

(4) That provision is made for deferred payments on the amortization plan maturing in not less than twenty years;

The expense incurred in making such examination and certification shall be paid by the applicant therefor.

Before any such certificate is issued such settlement and colonization company shall fully satisfy the board that it is able to and will faithfully carry

out its plan of settlement and colonization and all contracts entered into with settlers.

Whenever any such certificate shall be issued it shall be lawful for such settlement and colonization company to advertise the fact that its plan of settlement and colonization has been approved by the State of Washington.

It shall be unlawful for any person, firm, or corporation to claim, represent, advertise, or hold out in any manner that the board has issued to him or it any such certificate mentioned in section 1 of this act, unless such certificate has actually been so issued and unless such person, firm or corporation shall have fully complied with, and is complying with, such certificate and the terms and conditions therein prescribed and the rules and regulations of said board.

SEC. 2. That there be added to chapter 188, Laws of 1919, a new section to be known as section 11, to read as follows:

Section 11. Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a gross misdemeanor.

Penalty for  
violations.

Passed by the Senate March 3, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 91.

[S. B. 205.]

## CONVEYANCE OF ABANDONED STATE HIGHWAY.

AN ACT directing issuance of a deed of conveyance to the Weyerhaeuser Timber Company of certain lands abandoned as a state highway.

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

Conveyance  
by governor  
authorized.

SECTION 1. That the Governor is hereby authorized in the name of the State of Washington, pursuant to a written agreement for right of way for state highway entered into on or about the twenty-second day of August, 1917, between State of Washington, by its State Highway Commissioner, and Weyerhaeuser Timber Company, to convey by quitclaim deed to said Weyerhaeuser Timber Company certain premises heretofore forming a part of a state highway but now abandoned as such, situate in King County, Washington, and more particularly described as follows:

A strip of land 60 feet wide being 30 feet on each side of the center line as surveyed over and across the NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 19, township 23 north, range 9 east, W. M., said strip of land being more particularly described as follows:

Starting at the northwest corner of said section 19, said township and range; thence east, along the north line of said section 19, 37.1 feet to the point of beginning; thence S. 33° 12' E. 2376.9 feet; thence S. 60° 48' E. 228.0 feet; thence N. 45° 13' W. 209.4 feet; thence N. 33° 12' W. 2333.5 feet; thence west, along the north line of said section 19, 74.2 feet to

the point of beginning, containing in all 3.33 acres, more or less.

Passed by the Senate, February 28, 1921.

Passed by the House March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 92.

[S. B. 133.]

### LOCAL IMPROVEMENTS.

AN ACT relating to local improvements in cities and towns, and amending section 1012 Pierce's Code, section 7892-24 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 1012 Pierce's Code, section 7892-24 of Rem. & Bal. Code be amended to read as follows:

Section 7892-24. Any city or town shall prescribe by ordinance within what time such assessments, or installments thereof, shall be paid; and shall provide for the payment and collection of interest thereon, at a rate not to exceed eight per cent per annum. Assessments or installments thereof, when delinquent, in addition to such interest shall bear such penalty not less than five per cent as shall be by general ordinance prescribed. Interest and penalty shall be included in, and shall be a part of, the assessment lien. All local assessments becoming a lien upon any property in any city or town after this act shall become effective, shall be collected by the treasurer of such city or town, and all such liens shall be enforced in the manner herein prescribed: *Provided*, That in cities and towns other than cities

Payment of assessments, interest and penalty.

of the first class, delinquent assessments, or delinquent installments thereof, shall be certified to the treasurer of the county in which such city or town is situate and by him entered upon the general tax rolls and collected as other general taxes are collected: *Provided*, That after such certification any such city or town shall have the right to proceed in its own name to collect or enforce any such delinquent assessment or delinquent installment. The county treasurer shall remit to the city treasurer on the tenth of each month all sums so collected. All local assessments becoming a lien upon any property in any such city or town prior to the date this act shall become effective, shall be collected and such liens enforced in accordance with the laws in force and effect prior to the taking effect of this act: *Provided*, That in the enforcement of any such liens, any city or town may proceed under the provisions of this act, unless such proceeding shall have been already commenced.

Passed by the Senate February 18, 1921.

Passed by the House March 8, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 93.

[S. B. 50.]

## AMENDMENT OF PROBATE CODE.

AN ACT relating to the administration of estates of deceased persons and amending Section 163, Chapter 156 of Laws of 1917, being Section 9795 of Pierce's Washington Code.

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

SECTION 1. That Section 163 of Chapter 156 of Laws of 1917, being Section 9795 of Pierce's Washington Code, be amended to read as follows:

Section 163. Upon the date fixed for the hearing of such final report and petition for distribution, or either thereof, or any day to which such hearing may have been adjourned by the court, if the court be satisfied that the notice of the time and place of hearing has been given as provided herein, it may proceed to the hearing aforesaid. Any person interested may file objections to the said report and petition for distribution, or may appear at the time and place fixed for the hearing thereof and present his objections thereto. The court may take such testimony as to it appears proper or necessary to determine whether the estate is ready to be settled, and whether the transactions of the executor or administrator should be approved, and to determine who are the legatees or heirs or persons entitled to have the property distributed to them, and the court shall, if it approves such report, and finds the estate ready to be closed, cause to be entered a decree approving such report, find and adjudge the persons entitled to the remainder of the estate, and that all debts have been paid, and by such decree shall distribute the real and personal property to those entitled to the same. The court may, upon such final hearing, partition among the persons entitled thereto, the estate held in com-

Hearing on  
final report.

mon and undivided, and designate and distribute their respective shares; or assign the whole or any part of said estate to one or more of the persons entitled to share therein. That the person or persons to whom said estate is assigned shall pay or secure to the other parties interested in said estate their just proportion of the value thereof as determined by the court from the appraisement, or from any other evidence which the court may require.

If it shall appear to the court at or prior to any final hearing that the estate cannot be fairly divided, then the whole or any part of said estate may be sold or mortgaged in the manner provided by law for the sale or mortgaging of property by executors or administrators and the proceeds thereof distributed to the persons entitled thereto as provided in the final decree. Upon the production of receipts from the beneficiaries or distributees for their portions of the estate, the court shall, if satisfied with the correctness thereof, adjudge the estate closed and discharge the executor or administrator.

Decree.

The court shall have authority to make partition, distribution and settlement of all estates in any manner which to the court seems right and proper, to the end that such estates may be administered and distributed to the persons entitled thereto. No estate shall be partitioned, nor sale thereof made where partition is impracticable, except upon a hearing before the court and upon the testimony of at least three disinterested witnesses previously appointed by the court for the purpose of viewing such property to be partitioned or sold. The court shall fix the values of the several pieces or parcels to be partitioned at the time of making such order of partition or sale; and may order the property sold and the proceeds distributed, or may order partition and distribute the several pieces or parcels, subject to

such charges or burdens as shall be proper and equitable.

The provisions of this section shall be concurrent with and not in derogation of other existing statutes as to partition of property.

Passed the Senate February 14, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 94.

[S. B. 106.]

### TRUST COMPANIES.

AN ACT relating to banks and trust companies, and amending section 24 of chapter 80 of Laws of 1917.

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

SECTION 1. That section 24 of chapter 80 of Laws of 1917, being Section 274 Pierce's Code, be amended to read as follows:

Section 24. Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

Corporate  
powers of  
trust  
companies.

1. To execute all the powers and possess all the privileges conferred on banks.

2. To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

3. To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

4. To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual firm, association or partnership, and to accept and execute any municipal or corporate trust.

5. To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

6. To collect coupons on or interest upon all manner of securities, when authorized so to do by the parties depositing the same.

7. To accept trusts from and execute trusts for married women in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto.

8. To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

9. To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person, and to be appointed and to act as guardian of the estates of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: *Provided, however,* The power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state: *And, be it further provided,* That no trust company or other corporation which advertises that it will

furnish legal advice, construct or prepare wills, or do other legal work for its customers, shall be permitted to act as executor, administrator or guardian; and any trust company or other corporation whose officers or agents shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be ineligible for a period of one year thereafter to be appointed executor, administrator or guardian in any of the courts of this state.

Any trust company or other corporation which advertises that it will furnish legal advice, construct or prepare wills, or do other legal work for its customers, and any officer, agent or employee of any trust company or corporation who shall solicit legal business or personally solicit the appointment of such trust company or corporation as executor, administrator or guardian shall be guilty of a gross misdemeanor.

10. To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted or committed to it by grant, assignment, transfer, devise, bequest or by any authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

11. Generally to execute trusts of every description not inconsistent with law.

12. To purchase, invest in and sell stocks, promissory notes, bills of exchange, bonds, debentures and mortgages and other securities and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized

shall issue such bonds: *Provided*, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: And, *Provided*, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: And *Provided, further*, That if, for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.

Passed by the Senate February 28, 1921.

Passed by the House March 2, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 95.

[S. B. 83.]

### DISPOSITION OF MONEYS OF PERMANENT HIGHWAY FUND.

AN ACT relating to the county permanent highway maintenance fund, and amending section 5879-14 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as amended by Chapter 73 of the Laws of 1919, and section 1 of chapter 118 of the Laws of 1917.

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

SECTION 1. That section 5879-14 of Rem. & Bal. Code, the same being Sec. 6171 Pierce's Code, as amended by Chapter 73 of the Laws of 1919, be amended to read as follows:

Section 5879-14. For the purpose of raising revenues for the improvement and maintenance of per-

manent highways under the provisions of this act, the proper state officers shall levy and collect a tax of one and one-half mills upon all property in the state subject to taxation for the year 1913, and for each year thereafter. All moneys derived from such tax shall be paid into the state treasury and credited to a fund to be known as the "Permanent Highway Fund." The amounts received from each county shall be credited to the county paying the same, until such time as the same shall be expended on contracts for permanent highways within such county or for the maintenance of the same under the provisions of this act, or for the payment of interest on or the redemption of bonds as provided herein. Not less than five nor more than fifty per cent, as may be determined by resolution of the board of county commissioners at their first meeting after the taking effect of this act for the year 1921. and at their January meeting in each succeeding year, of all moneys credited in any year to each county under this act and which shall be derived from taxes levied for the year 1912 and subsequent years shall be set aside and expended by the board of county commissioners, upon vouchers approved by such board, for maintaining and repairing roads constructed under the provisions of this act and other roads of like character, and no part of such per cent shall be expended for any other purpose. Whenever any county shall hereafter issue bonds of the county for the making or improving of permanent highways or roads equal in character within such county, the board of county commissioners of such county may, at the time of ascertaining and levying taxes to pay the interest on such bonds or at the time of ascertaining and levying taxes to accumulate a sinking fund for the redemption of such bonds, by resolution entered upon their minutes, apply the whole or any portion of the permanent highway fund, then standing to the credit

of such county on the books of the state auditor in excess of the amount necessary to pay all contracts then outstanding for the payment of which such fund is or may become liable to the payment of such interest or to such sinking fund. There shall be set forth in such resolution statements showing, first, the amount of all taxes levied in such county for the permanent highway fund which have not been remitted to the state auditor or which remain uncollected and, second, all contracts for the payment of which the permanent highway fund credited to such county is or may become liable. The commissioners may apply such amount to the payment of interest or into the sinking fund without levying the tax required by law to be levied for such purposes, or the commissioners may, in addition to the amount so applied, levy a tax in addition thereto either to raise funds for the payment of interest or for the redemption of such bonds. A certified copy of such resolution shall be transmitted to the state auditor and upon receipt thereof, he shall transmit the amount so applied to the county treasurer who shall credit the same to the proper accounts for the purposes stated in such resolution.

SEC. 2. That section 1 of chapter 118 of the Laws of 1917, be amended to read as follows:

Section 1. There is hereby created in each county of the state a county fund to be known as the permanent highway maintenance fund. The county officers of the various counties having the custody and disposition thereof are directed to set aside and place to the credit of said fund all moneys received from the state as provided in section 18, chapter 142, Laws of 1915, and all acts amendatory thereof and supplementary thereto, and the per centum of the permanent highway fund as provided in section 5879-14 of Rem. & Bal. Code, which per centum of the permanent highway fund, as determined by

County  
permanent  
highway  
maintenance  
fund.

the resolution of the board of county commissioners at their first meeting after the taking effect of this act for the year 1921 and at their January meeting in each succeeding year, shall be retained by the county treasurer and placed to the credit of the permanent highway maintenance fund of said county.

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

Passed the Senate February 26, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 96.

[S. B. 220.]

### MOTOR VEHICLES.

AN ACT relating to the use of the public highways and the rights and remedies of persons thereon, providing for the licensing of motor vehicles and collecting, distribution and expenditure of fees therefor, fixing penalties for violations thereof, and repealing Chapter 153 of the Laws of 1913 and Chapter 142 of the Laws of 1915.

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

SECTION 1. Except as otherwise provided by law this act shall be controlling: Scope of act.

(1) Upon the registration and numbering of motor vehicles;

(2) Upon the use of motor vehicles upon the public highways;

(3) Upon penalties for the violation of any of the provisions of this act.

SEC. 2. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

"Motor vehicle" defined.

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making machines, and motor vehicles that run upon fixed rails or tracts; [tracks]

"Automobile" defined.

(2) "Automobiles" shall mean the ordinary four-wheeled motor vehicles, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided;

"Motor cycle" defined.

(3) "Motor cycle" shall mean a motor vehicle of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of parcels or packages;

"Auto stage" defined.

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage and freight on a regular schedule of time and rates: *Provided, however,* That no motor vehicle shall be considered an auto stage where the whole route traveled by such vehicle is within the corporate limits of any incorporated city;

"Motor truck" defined.

(5) "Motor truck" shall mean any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight or animals;

"Trailer" defined.

(6) "Trailer" shall mean any vehicle which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle;

"Public highway" defined.

(7) "Public highway" or "public highways" shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled

or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities;

(8) "Local authorities" shall include the officers of counties, cities or towns or other municipal subdivisions of the state having control, power or authority over any of the subject matter embraced in this act;

"Local authorities" defined.

(9) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrest for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

"Peace officer" defined.

(10) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles;

"Dealer" defined.

(11) "Privately owned" shall include all motor vehicles not operated for hire, and shall include hearses, ambulances, or any other motor propelled vehicle used exclusively in connection with the conduct of funerals.

"Privately owned" defined.

(12) "For hire" shall be taken to mean all motor vehicles other than auto stages, used for the transportation of persons, for which transportation remuneration of any kind is received, either directly or indirectly.

"For hire" defined.

(13) The word "Operator" wherever used in this act shall be held to mean any person who operates or drives a motor vehicle.

"Operator" defined.

SEC. 3. The secretary of state, acting through the county auditors of the several counties of the state of Washington as hereinafter provided, shall have the general supervision of the issuing of motor vehicle licenses and of the collecting of fees therefor and shall have full power to do all things necessary

Supervision of fees and licenses.

and proper to carry out the provisions of this act; he shall have the power to appoint a deputy or deputies and such clerk or clerks as may be required from time to time, and may purchase all materials and make all expenditures as may be necessary hereunder.

It shall be the duty of the secretary of state to make and furnish to each county auditor, and to such persons as may be in any manner responsible for the collecting of the motor tax as hereinafter provided for, a tabulated list of all motor vehicles of the privately owned class, except motor cycles, giving the make, model, year, shipping weight as given by the manufacturer and setting opposite each description the license fee charged therefor.

Unlawful  
acts  
enumerated.

SEC. 4. (1) It shall be unlawful for any person under the age of fifteen (15) years to operate or drive any motor vehicle upon the highways of this state, except when accompanied by parent or guardian.

(2) It shall be unlawful for any person under the age of eighteen (18) years to operate or drive a motor truck having a capacity load of four tons or more.

(3) It shall be unlawful for any person under the age of twenty-one years to operate or drive a motor vehicle while being used for the transportation of persons for hire: *Provided, however,* Upon application to the Director of Licenses a special permit may in his discretion be given to a person under the age of twenty-one years.

Application  
and showing  
by applicant  
for motor  
vehicle  
license.

SEC. 5. Application for a motor vehicle license shall be made to the secretary of state on blanks to be furnished by him. Such application shall be made by the owner of the vehicle, or his duly authorized agent, over the signature of such owner or agent, and he shall certify that the statements therein are

true to the best of his knowledge. The application must show:

(1) Name and address of the owner of the vehicle.

(2) Trade name of the vehicle, the model, year, type of body, factory number and motor number thereof.

(3) The power to be used, whether electric, steam, gas or other power.

(4) The purpose for which said vehicle is to be used and the nature of the license required.

(5) The rated carrying capacity of such vehicle, which in cases of auto for hire, auto stages or auto stage trailers shall be the adult seating capacity thereof and in cases of motor trucks or trailers shall be the rated capacity load as given by the manufacturer: *Provided*, That no license shall be issued on a truck or trailer for less than the rated carrying capacity as given by the manufacturer: *Provided, further*, That if the secretary of state is unable to obtain the rated carrying capacity of any particular make or model of truck or trailer he may, by general rules and regulations adopted and published from time to time, prescribe the method of ascertaining such rated carrying capacity and proof thereof by certificate, affidavit or otherwise.

(6) The weight of all automobiles for private use, which shall be determined by the shipping weight thereof as given by the manufacturer: *Provided, however*, That if the secretary of state is unable to obtain such shipping weight on any particular make or model of automobile he may by general rules and regulations adopted and published from time to time prescribe the method of ascertaining such weight and the proof thereof by certificate, affidavit or otherwise which shall accompany the application for license when the same is forwarded to the secretary of state and the owner of the vehicle

shall pay the license fee in accordance with weight shown on such certificate, affidavit or other proof.

(7) The weight of all automobiles for hire, auto stages and motor trucks, which shall be determined in such manner and proven by certificate, affidavit or otherwise as may be prescribed by general rules and regulations adopted and published from time to time by the secretary of state.

The certificate, affidavit or other proof of weight of automobiles for private use, automobiles for hire, auto stages and motor trucks prescribed by the secretary of state as hereinbefore provided for must be attached to and accompany the application for license which is forwarded to the secretary of state. The secretary of state is hereby forbidden to accept any application for a license unless such certificate, affidavit or other proof of weight as provided for herein is furnished him at the time the application is made and the fee paid in accordance with the weight given upon such certificate, affidavit or other proof: *Provided, however,* That in determining the weight of vehicles as provided for in this section no fraction of 100 pounds shall be taken into consideration, but where such fraction occurs the fee shall obtain upon the next lowest 100 pounds.

(8) Such other information as shall be required by the secretary of state.

(9) Application for dealers license shall be made direct to the secretary of state upon blanks to be furnished by him, accompanied by the fee as hereinafter provided. Such application shall be made by the dealer or his authorized agent and he shall certify that the statements therein are true to the best of his knowledge.

The application must show :

(A) Name under which business is conducted.

(B) Location of business (street, city or town and county).

Application  
and showing  
by applicant  
for dealer's  
license.

(C) Name and address of all owners or persons having an interest in the business, except that in case of a corporation the name and address of the two principal officers will be sufficient.

(D) Name and make of all new vehicles handled.

(E) Whether or not used cars are handled.

(F) A certificate to the effect that the applicant is a *bona fide* dealer in motor vehicles, with an established place of business at the location given, such certificate to be signed by the chief of police or town marshal. (If an incorporated city or town), by the sheriff of the county (if not in an incorporated city or town).

(G) Such other information as shall be required by the secretary of state.

SEC. 6. Upon receipt of such application accompanied by the proper fee, the county auditor shall give one copy to the applicant, retain one for the county files, and immediately forward the original, together with the proper fee, to the secretary of state. The county auditor shall, at the expense of the county issuing the same, furnish the applicant with a temporary number printed upon durable cardboard, which number shall be displayed always on the vehicle and shall entitle the licensee to operate the same for a period of thirty days from and after the date of such application. Immediately on receipt of the state license and permanent number plates, such temporary number shall be returned to the county auditor.

Filing  
application.

All temporary number plates shall contain the name of the county issuing the same, together with the date of such issuance; the letters "Wn." and the year in which such license shall expire; and shall be displayed upon said vehicle in the same relative position as is hereinafter provided for the displaying of the permanent number: *Provided*, That the secre-

Temporary  
number  
plates.

tary of state may at his option furnish to the county auditor temporary permits of such design as he may determine which may be used instead of the temporary number above provided for, which temporary permits, when furnished shall be used under such rules and regulations as the secretary of state may determine.

Issue of  
license.

SEC. 7. The secretary of state shall, upon receipts of the application for a motor vehicle license accompanied by the required fee, place the original application on file in his office and thereupon issue to such applicant a license for such motor vehicle, stating therein the number to be displayed on such motor vehicle, as hereinafter provided, and authorizing the use of such vehicle upon the public highways for and during the current calendar year: *Provided*, That if such application is received during the month of December in any year a license shall be issued therefor, which license shall be valid up to and including December 31, of the ensuing calendar year.

Transfer of  
licenses to  
other  
vehicles.

SEC. 8. No license shall be transferred from one person to another person, but may be transferred from one vehicle to another vehicle, when duly authorized by the secretary of state on application therefor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred requires a greater fee than the vehicle for which the original license was issued, the applicant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings. A license may be transferred from one classification to a different classification upon application to the secretary of state and the payment of the difference between the license fee originally paid and the fee provided by this act for the class to which the transfer is made, together with an additional transfer fee

of one dollar (\$1.00) : *Provided*, That no refund shall be made if the fee fixed by this act for the class of vehicle to which such transfer is made be less than the fee originally paid: *Provided, however*, The original license and the number plates must be returned at the time application for transfer is made.

SEC. 9. A license to be valid must have endorsed thereon the signature of the owner (if a firm or corporation the signature of one of its officers, or other duly authorized agent), must be enclosed in a suitable container and attached to the steering post or upon the instrument board of the vehicle for which it was issued, at all times. The said container shall have a cover of transparent material through which the certificate may be inspected as to the information shown thereon, including the signature of the owner. Any person in charge of such vehicle shall upon demand of any of the local authorities or of any peace officer or of any representative of the secretary of state's office permit an inspection of the same. Upon application supported by affidavit of loss or destruction of a license and upon payment of the fee required therefor, a duplicate copy thereof shall be issued.

Duty to carry license.

SEC. 10. A dealer's license and a pair of distinctive number plates shall be issued to an actual dealer for any and all motor vehicles owned, handled, or dealt in by him and for the fees hereinafter specified, but shall not be used upon any motor vehicle while the same is being operated for hire, or for the transportation of any produce, freight or commodity unless the same is for the actual use of the dealer owning the vehicle so transporting such produce, commodity or freights: *Provided, however*, That no motor vehicle transporting any produce, commodity or freight under a dealer's license shall exceed one ton in carrying capacity: *Provided, further*, That nothing in this section shall be construed to prohibit

Demonstration license to dealers.

the use of a motor vehicle of under one ton capacity from rendering assistance to, or transporting necessary supplies to, a motor vehicle which has become disabled.

Such number plates, or duplicates thereof, shall be displayed on every motor vehicle by such dealer whenever the same is operated or driven upon any public highway in this state: *Provided*, That whenever a dealer shall maintain a branch or sub-agency, he shall apply for a separate registration for such branch, or sub-agency, and shall pay therefor the fee hereinafter provided for an original dealer's license.

Rights of  
non-  
residents  
of state.

SEC. 11. The provisions of the foregoing sections relative to registration of motor vehicles and display of license numbers and licenses shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation doing business in this state: *Provided*, That the owner thereof has complied with the laws of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of license numbers thereon as required thereby. The provisions of this section, however, shall be operative as to a motor vehicle owned by a non-resident of this state only to the extent that under the laws of the foreign country, state, territory or federal district of his residence, like exemptions and privileges are granted to motor vehicles duly registered and licensed under the laws of and owned by residents of this state.

Number  
plates  
furnished by  
secretary of  
state.

SEC. 12. The secretary of state shall furnish to such licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle as hereinafter provided. The number shall be in block numerals and of such size as the secretary of state may determine, and shall be preceded by the letters "Wn" and by the last two numerals of the year in which such license shall expire, and such

number plate, if issued to a dealer, shall contain the word "Dealer." The secretary of state may put such other mark or character on such plates or fix the color of same as he may determine, to properly identify the kind of license issued. Such plates shall be obtained by the secretary of state on competitive bids.

SEC. 13. Immediately upon the sale of any motor vehicle and prior to the date of delivery of the same the vendor shall remove his license and number plates therefrom and shall immediately send the secretary of state a statement of such sale, showing the date thereof, the name and address of the purchaser and the name and motor number of the vehicle.

Removal of number plates in case of sale.

SEC. 14. Upon the loss or defacement or destruction of any number plate or plates or when for any reason the letters or figures upon the number plate or plates become illegible or in such a condition to be difficult to distinguish, application supported by affidavit setting forth such fact must be made to the secretary of state for new plates. The application must be accompanied by the fee of \$2.00, together with the original license certificate. Upon receipt of the same the secretary of state shall cancel such number and issue a new license certificate and number plates bearing the next consecutive unassigned number. The secretary of state shall forward to all chiefs of police of incorporated cities and towns, to the sheriffs of the various counties of the state at least once each month a list of all number plates so cancelled: *Provided, however,* That the above provision shall not apply to dealer's plates.

Duplicate plates in case of defacement or loss.

SEC. 15. All fees herein authorized to be collected shall be as follows unless otherwise provided:

Schedule of fees.

ANNUAL FEES.

MOTOR CYCLES.

All ..... \$6.00

## AUTOMOBILES.

## AUTOMOBILES FOR PRIVATE USE.

Weighing 1,500 pounds or less.....	\$10.00
Weighing 1,500 pounds or more \$10.00, and 60 cents per hundred weight for all excess over 1,500 pounds.	

## AUTOMOBILES FOR HIRE.

Weighing 1,500 pounds or less, \$20.00, and, in addition thereto at the rated carrying capacity, per person....	3.00
Weighing more than 1,500 pounds, \$20.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto, at the rated carrying capacity, per person .....	3.00

## AUTO STAGES.

Weighing 1,500 pounds or less, \$25.00, and, in addition thereto, at the rated carrying capacity, per person....	3.00
Weighing more than 1,500 pounds, \$25.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto at the rated carrying capacity, per person .....	3.00

## AUTO STAGE TRAILERS.

Weighing 1,500 pounds or less, \$10.00, and at the rated carrying capacity per person.....	3.00.
Weighing 1,500 pounds or more, \$10.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto at the rated carrying capacity per person .....	3.00

## MOTOR TRUCKS.

Weighing 1,500 pounds or less.....	10.00
Weighing more than 1,500 pounds and not to exceed 6,500 pounds .....	10.00
(And 40 cents per hundred weight for all in excess of 1,500 pounds and in addition thereto 40 cents per hundred weight at the rated carrying capacity.)	
Weighing more than 6,500 pounds, \$10.00, and 50 cents per hundred weight for all in excess of 1,500 pounds and in addition thereto 50 cents per hundred weight at the rated carrying capacity.	

Trailers used as trucks shall be classified and rated as, and shall pay the same fees as hereinbefore provided for motor trucks of like weight and capacity.

## DEALERS' LICENSES.

Dealers in motor cycles.....	10.00
Dealers in all other motor vehicles regardless of weight..	50.00
Additional dealers' license plates, bearing same number except motor cycle dealers' licenses.....	10.00

GENERAL FEES.

Duplicate license certificates, each.....	\$1.00
Dealers' duplicate plates, each.....	5.00
Transfer of motor vehicle licenses, each.....	1.00

*Provided*, It shall be unlawful for any private or corporation car to carry passengers for hire, except that this provision shall not apply to private automobiles that shall be operated for hire for a period of one week or less and for which a special permit so to operate shall have been obtained from the county auditor. The fee for any such permit shall be for each automobile the sum of five dollars (\$5.00).

At the time any application for a license or a transfer of license is made to the county auditor as provided elsewhere in this act, the applicant shall pay to the county auditor the sum of twenty-five cents for each application, in addition to the license fee provided for in this section, which fee 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.

SEC. 16. For all motor vehicle licenses issued between the first day of September and the 30th day of November of any year only one-half the rate named in section 15 shall be charged.

Fees for partial year.

SEC. 17. Motor vehicles and trailers owned by the State of Washington, or by the counties, county game commissions, cities and school districts therein, and used exclusively by them, and all motor vehicles owned by the United States Government, and used exclusively in its service, shall be exempt from the payment of the license fees herein provided: *Provided, however*, Such vehicle shall be registered as prescribed in this act and shall display upon the machine the number plates assigned by the secretary of state, and, except in case of the federal govern-

Exemption from license.

ment, shall pay for such number plates a fee of one dollar (\$1.00).

Disposition  
of fees.

SEC. 18. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund," and a state fund to be known as the "primary highway maintenance fund." All fees collected by the state treasurer, as herein provided shall be paid into the state treasury and placed to the credit of the motor vehicle fund, from which shall be paid or transferred annually:

First: One-half of the amount appropriated for the biennium for the motor vehicle department in the director of licenses' office for the issuing of licenses;

Second: The amount required to be repaid to the counties entirely surrounded by water;

Third: The sum of one million four hundred thousand dollars (\$1,400,000), which shall be transferred and placed to the credit of the primary highway maintenance fund;

Fourth: The balance remaining in the motor vehicle fund after the payments and transfers hereinabove provided for shall be applied annually to paving and general road construction of the state primary highways as provided by appropriation.

The moneys in the primary highway maintenance fund shall annually be distributed, paid, used and transferred as follows:

First: To each city of the first or second class in the state in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, by warrant drawn on the state treasurer and payable from the primary highway maintenance fund, a sum equal to five hundred dollars (\$500) per mile for each mile of primary highway in such city, to be expended for the maintenance and improvement of streets therein;

Second: To each city of the third or fourth class in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, by warrant drawn on the state treasurer and payable from the primary highway maintenance fund, a sum equal to three hundred dollars (\$300) per mile for each mile of primary highway in such city, to be expended for the maintenance and improvement of the streets forming a part of primary highways therein; *Provided*, The Director of Public Works may give the city or town authorities permission to expend said maintenance money upon the other city or town streets;

Third: To each of the counties in the state in which are located primary highways there shall be credited a sum equal to three hundred dollars (\$300) per mile for each mile of primary highway which is now or may hereafter be constructed on permanent location according to state specification;

Fourth: Any balance that may remain in the primary highway maintenance fund after making the payments and credits hereinabove provided for shall be credited to the several counties, other than counties entirely surrounded by water, in proportion to the amounts of money paid into the permanent highway fund by the several counties.

The moneys credited to the several counties, other than counties entirely surrounded by water, or so much thereof as may be necessary, shall be expended by the boards of county commissioners of the several counties under the direction of the director of public works, for the maintenance of the primary highways within the respective counties.

Any unexpended balance of the moneys placed to the credit of any county as above provided, which may remain at the end of any calendar year, shall be transferred to the permanent highway fund and

placed to the credit of the county to be expended in the manner provided by law: *Provided*, That if it shall appear to the satisfaction of the director of public works at any time prior to the end of the calendar year, that after providing for all necessary maintenance of primary highways in the county for the year, there will remain surplus funds to the credit of the county, he may certify such fact to the state treasurer, stating definitely the amount of money that will not be needed for maintenance, and such amount shall thereupon be transferred to the permanent highway fund and placed to the credit of the county to be expended in the manner provided by law.

All primary highways and streets, in order to come under the provisions of this act for maintenance purposes, must be of a character equal to the standard of permanent highway construction. The director of public works through and by means of the division of highways shall determine what streets in cities and towns form a part of the route of any primary highway and shall, between the fifteenth day of February and the fifteenth day of March of each year, certify in triplicate, one copy to the state treasurer, one copy to the county commissioners of each such county and one copy to the clerk of each city affected by the provisions of this act, the number of miles of such constructed highways within such county, city or town forming a part of the route of a primary highway.

The powers and duties vested by this act in the director of public works shall be exercised and performed by the highway commissioner until such time as the director of public works shall be appointed, qualified and exercise and assume the duties of his office.

SEC. 19. The authorized number plates of each motor vehicle shall be attached conspicuously at the

front and rear of such vehicle and in such manner that they can be plainly seen and read at all times. Each number plate shall hang in a horizontal position at a distance of not less than one foot nor more than four feet from the ground, and each number plate shall be kept clean so as to be plainly seen and read at all times.

It shall be unlawful to display upon the front or rear of any motor vehicle any number plate other than those furnished by the secretary of state or to display upon any motor vehicle any such number plates which have in any manner been changed, altered or disfigured, or have become illegible.

SEC. 20. It shall be unlawful for any person, firm or corporation to operate any vehicle of four wheels or less over and along the roads in this state whose gross weight including load is more than 24,000 pounds, or any vehicle having a greater weight than 22,400 pounds on one axle, or any vehicle having a combined weight of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width of tire in the case of solid rubber tires to be measured between the flanges of the rim): *Provided*, That in special cases vehicles whose weight including loads exceeds those herein prescribed, may operate under special written permits, which must be first obtained and under such terms and conditions as to time, route, equipment, speed and otherwise as shall be determined by the director of licenses if it is desired to use a state highway; the county commissioners, if it is desired to use a county road; and the city or town council, if it is desired to use a city or town street; from each of which officer or officers such permit shall be obtained in the respective cases. *Provided*, That no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity: *Provided, further*, Upon the conviction of

Limitations  
on gross  
weight of  
vehicle.

any person, for a second violation of the provisions of this section, the court or judge before whom such conviction is had, may in its or his discretion, in addition to the imposition of any penalties provided by law, suspend the license provisions for said truck for a period of thirty days, and upon a third conviction, the court or judge may in its or his discretion, in addition to the imposition of any penalties provided by law, suspend said license covering the vehicle involved in such violation for a period of three months.

Use of  
exhaust  
muffler.

SEC. 21. Every motor vehicle using an internal combustion engine, shall use an exhaust muffler, and the same shall not be cut out or disconnected.

Exhibition  
of lights.

SEC. 22. Every motor vehicle operated or driven upon the public highways of this state shall exhibit during the period from one-half hour after sunset to one-half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said vehicle dangerous to traffic or the use of the highways, at least two head-lamps, one on each side of said vehicle showing white or yellow tinted lights visible at least five hundred feet or more in advance of said vehicle. Such motor vehicle or any trailer attached thereto shall have attached to the rear not less than one lamp showing a red light visible at least two hundred feet in the rear of such vehicle, and the same light or additional light casting white rays of sufficient strength on the rear number plate thereof, so that such number plate may be easily read at a distance of at least sixty feet: *Provided*, That motor cycles shall be required to carry only one light in the front thereof, which shall show white or yellow tinted rays visible at least five hundred feet in advance of such motor vehicle: *Provided*, *further*, That it shall be unlawful to display any light showing red to the front of any motor vehicle. Every motor truck, the body of which exceeds six

(6) feet in width shall exhibit during the hours of darkness, in addition to the above required lights, a white light on the left side of the machine defining the limit of the body of the machine or the overhanging load, if any there be, and beyond the outside thereof, the said light shall be so fixed or carried that the light therefrom may be seen both from the front and rear of said motor truck. Every motor truck, automobile or trailer carrying a load which projects over the rear end three feet or more shall be required to display a red flag by day and a red light by night, on the extreme rear end of such overhanging load. No person shall install or use a light of more than twenty-seven candle power in any motor vehicle headlamp equipped with a reflector. It shall be unlawful to use on a motor vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same shall be so designed, deflected or arranged as to deflect or diffuse the light and to produce sufficient light to reveal objects at least one hundred and fifty feet ahead thereof and ten feet on either side of the center line of said vehicle measured at a distance of ten feet in front thereof and in such manner that the beam of light therefrom, when measured seventy-five feet or more ahead of the lamps shall not rise above forty-two inches from the level surface on which the vehicle stands under all conditions of load.

The term "Beam of light" shall be construed to mean the reflected rays of light which are projected approximately parallel to the optical axis of the reflector.

"Beam of light" defined.

A light shall be deemed "diffused" when produced by a headlamp which has the entire surface of the glass front etched, ground, sand blasted or so formed that the light emitted therefrom is entirely dispersed.

"Diffused" defined.

Spot lights.

The above provisions of this act shall not apply to spot lights but all spot lights shall, while in use upon the highways of this state, be so directed that the beams of light therefrom shall strike the roadway at a point at least six (6) feet to the right and not more than seventy-five (75) feet in front thereof when approaching a vehicle.

In any prosecution under this act, the candle power indicated on the headlight bulb from any electric headlamp shall be and constitute *prima facie* evidence of the light candle power of such headlamp.

All vehicles, other than motor vehicles, when operated upon the highways between one-half hour after sunset and one-half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said vehicles dangerous to traffic or the use of the highways, shall display on the left side of said vehicle a white light which must be visible from the front and rear for a distance not less than two hundred (200) feet in either direction.

It shall be unlawful to sell or offer for sale, or have in possession with intent to sell, any vehicle of any kind for operation on the public highways of this state equipped with any lighting device of over four candle power with a reflector unless such lighting device shall conform to the provisions of the preceding paragraphs of this section.

Brakes.

SEC. 23. Every motor vehicle operated or driven upon the public highways of this state, shall be equipped with two sets of independently operated brakes, either of which shall be sufficient to control the vehicle at all times: *Provided*, That motor cycles shall only be required to have one brake capable of controlling the same at all times.

Signalling device.

SEC. 24. Every motor vehicle shall be provided with a suitable bell, horn or other signalling device which shall be rung or blown as a signal or warning

to any person or whenever there is danger of collision or accident.

SEC. 25. Every owner or operator of any motor vehicle so constructed or loaded as to prevent an unobstructed view directly to the rear, used on the public highways of this state, shall equip such motor vehicle with a mirror or other device to enable the driver thereof to have such a clear and unobstructed view of the rear as will enable him to obey the "rules of the road" when overtaken by any other vehicle.

Mirror  
required  
when.

SEC. 26. All vehicles operated on the highways of this state which are so constructed that hand and arm signals given by the driver are not visible at the rear of said vehicle, must be equipped with a suitable mechanical or electrical device approved by the secretary of state capable of giving unmistakable signals as to the intention of the driver to stop or turn such vehicle.

Hand and  
arm signals.

SEC. 27. It shall be the duty of every person operating a motor vehicle on the public highways of this state to drive the same in a careful and prudent manner. It shall be unlawful for any person to operate or move any motor vehicle at a rate of speed faster than thirty miles per hour, or, within any corporate limits of any city or town, at a rate of speed faster than twenty miles per hour, or, over or across any street intersection within the corporate limits of any city or town, or within one hundred yards of any school house, on school days between eight o'clock in the morning and five o'clock in the evening, at a rate of speed faster than twelve miles per hour, or in any case at a rate of speed that will endanger the property of another or the life or limb of any person. It shall be unlawful to operate any motor truck equipped with pneumatic tires over or along the highways of this state at a greater rate of speed than twenty-five miles per hour; or any motor truck of a gross

Rate of  
speed.

weight including load as hereinafter provided equipped with solid rubber tires at a greater rate of speed than the following :

4,000 pounds and under.....	25 miles per hour
Over 4,000 pounds and up to 8,000 pounds.....	20 miles per hour
Over 8,000 pounds and up to 12,000 pounds.....	18 miles per hour
Over 12,000 pounds and up to 16,000 pounds.....	16 miles per hour
Over 16,000 pounds and up to 20,000 pounds.....	14 miles per hour
Over 20,000 pounds and up to 24,000 pounds.....	12 miles per hour

It shall be unlawful to operate or drive any motor vehicle used for carrying passengers for hire and having a capacity for more than ten passengers at a speed faster than twenty-five miles per hour, on and over any unpaved highway.

Rules of the road enumerated.

SEC. 28. It shall be the duty of every person using the highways of this state to observe the "rules of the road" as hereinafter prescribed :

1. Vehicles and persons, driving or riding any animals proceeding in opposite directions shall pass to the right giving one-half of the road to each.

2. Vehicles proceeding in the same direction on overtaking another vehicle or overtaking any person riding or driving any animal shall pass to the left: *Provided, however,* A variance in good faith from the rules herein relating to the turning to the left of a vehicle when overtaking another vehicle, or any person riding or driving an animal, going in the same direction where the exigencies of the situation permit, shall not subject the offender to arrest under the criminal provisions of this act; but it shall be unlawful for any person to pass any moving vehicle or animal overtaken unless he has a clear view ahead of not less than two hundred yards.

The overtaking vehicle shall maintain its speed until clear of the vehicle or animal overtaken and the vehicle or animal being overtaken shall turn to the right and give one-half of the road, and shall not increase its speed while being passed.

4. The signal of an intention to pass shall be given by one blast or stroke of the horn, bell, whistle, gong or other signalling device.

5. Should the overtaking vehicle then not give way, three such blasts or signals shall be given, and upon the failure to comply therewith, the overtaking vehicle may at the next suitable place safe for both vehicles go by without further signal.

6. Drivers, when approaching highway intersections, shall look out for and give right-of-way to vehicles on their right, simultaneously approaching a given point: *Provided, however,* That street and interurban cars and emergency vehicles shall have the right-of-way at all times at such highway intersections.

7. Pedestrians on the public highways between the period from one-half hour after sunset to one-half hour before sunrise shall travel on and along the left side of said highway, and the pedestrians upon meeting an oncoming vehicle shall step off the travelled portion of the highway.

8. It shall be the duty of every person operating or driving any motor or other vehicle, or riding or driving any animal along or over any public highway when approaching any curve of such highway where for any reason a clear view for a distance of three hundred yards cannot be had, to hold such vehicle under control and to give signals with frequent blasts or strokes of a horn, whistle, bell, gong or other signalling device, and to keep to the extreme inside of all curves to the right and upon the extreme outside of all curves to the left.

SEC. 29. It shall be the duty of every person operating or driving any motor or other vehicle or riding or driving any animal along or over any public highway and approaching any intersection of a street, road or highway, with the intention of turning thereat to the right, to keep to the extreme right,

Turning at  
intersections  
of streets,  
etc.

and with the intention of turning thereat to the left to proceed to and beyond the center of the intersection before turning. And it shall be the duty of every such person about to turn from a standstill or while in motion to give a timely signal indicating the direction in which he intends to turn as follows: If he intends to turn to the left he shall extend his arm in a horizontal position for a reasonable length of time; if he intends to turn to the right he shall extend his arm with the forearm raised at right angles for a reasonable length of time; and every such signal shall commence at a point not less than fifty feet before the turn is made. And it shall be the duty of every person so operating or driving any motor or other vehicle or riding or driving any animal along or over any public highway and intending to stop, to extend his arm and move it up and down in a vertical position for a reasonable length of time before stopping. Mechanical devices capable of producing signals as to the intention of the driver to stop or turn such vehicle and approved by the secretary of state may be used.

Precautions  
in passing  
or being  
passed.

SEC. 30. It shall be the duty of every person in charge of any vehicle or animal moving along and upon any public highway to keep such vehicle or animal as closely as practicable to the right hand boundary of such highway so as to allow more swiftly moving vehicles reasonably free passage to the left. And it shall be the duty of every person operating a motor vehicle upon any such highway, on receiving a signal given by raising the hand from a person riding, leading, or driving in the opposite direction any animal or animals to bring such motor vehicle immediately to a stop and remain stationary so long as may be reasonable, to allow such animal or animals to pass; and if travelling in the same direction as any such animal or animals, to use reasonable caution in passing the same; and in case any such ani-

mal appears to be badly frightened or the person operating such motor vehicle is signaled so to do, he shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

SEC. 31. It shall be the duty of every person operating or driving any vehicle, when overtaking or passing any street car or interurban car that has stopped at a street intersection, to bring such vehicle to a full stop before passing such street car or interurban car, and not to proceed while any person or persons are getting on or off or are about to get on or off said car, unless the driver of such vehicle can maintain a distance of at least six feet between said vehicle and the running board or lower step of such car.

Overtaking  
or passing  
electric cars.

SEC. 32. The racing of motor vehicles on the public highways is hereby forbidden: *Provided, however,* Local authorities may designate and set aside certain portions of the public highways for limited periods to be used for speed trials or speed contests, but only in case the entire distance is fully and sufficiently patrolled.

Racing on  
public  
highways.

SEC. 33. It shall be the duty of every person operating or driving any motor or other vehicle along or over any narrow way in any park, pass or defile, to fully comply with all regulations requiring vehicles to proceed in one direction only as the sign-boards and regulations upon such narrow ways, passes and defiles shall indicate. The direction in which all vehicles shall so proceed may be determined by the park commissioners in parks and by the county commissioners or other legally constituted authorities with respect to narrow passes and defiles within their respective jurisdictions, and when so declared shall be so conspicuously marked with signs as to indicate

Compliance  
with local  
regulations.

the rules and regulations in regard thereto and the direction in which all vehicles shall so travel.

Securing  
motive  
power while  
standing  
upon public  
highway.

SEC. 34. It shall be unlawful for any person using any motor vehicle upon any public highway of this state to leave the same standing unsecured or without having its motive power, if any, so secured that the same cannot be operated so as to move the vehicle without some act on the part of the owner or operator or other person.

Permitting  
vehicle to  
stand on  
traveled por-  
tion of high-  
way.

SEC. 35. It shall be unlawful for any person to leave any vehicle standing upon the main traveled portion of any highway of this state: *Provided*, That this provision shall not apply to any vehicle so disabled as to prohibit the moving of the same. And it shall be unlawful for any person to leave any disabled vehicle standing on any traveled portion of any highway of this state at any time between one-half hour after sunset and one-half hour before sunrise without having a red light displayed on the rear end of such vehicle at the side thereof nearest the center of the highway.

Use of gong  
or siren  
whistle.

SEC. 36. It shall be unlawful for any person to use on any motor vehicle any gong or siren whistle unless such vehicle is used as an ambulance or is operated by a police department, fire department, or patrol wagons, ambulances, fire patrols, fire engines, and fire apparatus shall, in all cases, with due regard to the safety of the public, have the right of way, all provisions of this act to the contrary notwithstanding, but such right of way shall not protect the driver of any such vehicle from the consequences of the arbitrary exercise of such right or from liability for injuries wilfully inflicted.

To comply  
with orders  
of traffic  
officers.

SEC. 37. It shall be the duty of every person operating or driving any motor or other vehicle or any animal upon any public highway where any authorized officer, marshal, constable, or policeman

displaying his star or badge is at the time discharging the duty of regulating and directing traffic in his locality, to obey all signals of such officer directing such driver to take a certain direction or to stop or to otherwise proceed for the safety of the public, and to comply with all orders of such officer.

SEC. 38. Drivers of all motor vehicles carrying passengers for hire on any of the public highways of this state outside the incorporated limits of any city or town, shall bring said vehicles to a full stop within fifty feet of any unguarded grade crossing of any railroad or interurban track before crossing the same.

Drivers of  
for hire  
vehicles to  
stop at track  
crossings.

SEC. 39. It shall be duty of every person operating or driving any motor or other vehicle or riding or driving any animal upon the public highway and coming in contact with any pedestrian, vehicle or other object on such highway, to stop and render such aid and assistance as may be required, and in case of injury to any person or damage to any vehicle or property, it shall be the duty of the driver of either vehicle, or any occupant thereof, to furnish the driver of the other vehicle or any occupant of such vehicle or any witness to the accident, or in case of an injured pedestrian to such pedestrian or witness, the license number of his vehicle, the true name and address of the owner, the name and address and the license number of the driver, and the name and address of each occupant of such vehicle; and it shall likewise be the duty of any witness of any such accident to furnish to the driver or occupant of any such vehicle or to any other person concerned in said accident, upon request, his name and address; and it shall be unlawful for either party to a collision, whether resulting from a mistake in judgment or arising from accident, to move away from the place of such collision without complying with this section. None of the

Must stop  
and render  
aid in case of  
accident.

information required 'by this section to be given shall be construed as fixing liability or fault or negligence of either party, but shall be a means of identification of the facts and circumstances only.

Report by  
one causing  
accident.

SEC. 40. It shall be the duty of every person operating or driving any vehicle upon the public highway, within twenty-four hours after causing injury to any person or damage to any vehicle or property, to report the same to the chief of police or mayor of the city or town, or to the sheriff of the county in which the accident or collision occurred, giving the information obtained as provided in the preceding section.

Power of  
cities or  
towns to  
regulate  
speed.

SEC. 41. No city council or other governing authorities of any city or town shall have the power to pass or enforce any ordinance, rule or regulation requiring a slower rate of speed than that specified in this act at which vehicles may be operated along and over the public highways of such city or town or regulating the use of roads, streets and highways thereof contrary to or inconsistent with the provisions of this act; and all such ordinances, rules and regulations now in force are hereby declared to be void and of no effect: *Provided, however,* That on any portion of any road, street or highway where on account of sharp curvature, highway construction or repairs, excessive traffic, or other permanent or temporary causes, it is deemed inadvisable for vehicles to operate at the maximum speed allowed by this act, the governing authorities of such city or town, or the county commissioners on highways outside cities and towns, may regulate such speed by order, rule or regulation hereafter adopted: *Provided,* Such order, rule or regulation shall regulate all vehicles alike, and shall not limit the speed in any case to less than ten miles per hour, and the governing authorities or the board of county commissioners shall cause to be posted at either end

of such portion of said highways, signs of sufficient size to be easily readable, setting forth the speed allowed and stating by whose order said regulations are made, and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

SEC. 42. Any person, who shall make falsely any statement herein required to be made or who shall obtain any license by any misrepresentation or deceit, or who shall display any number or license not authorized by law to be used, or who shall loan or permit to be used any license or number whether issued to him or to any other person, firm or corporation or who shall in any manner violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly, either by a fine or imprisonment or both such fine and imprisonment: *Provided*, That in no event shall the minimum fine be less than Five dollars (\$5.00).

Penalty for violating act.

SEC. 43. Fifty per cent of all the fines and forfeitures for violations of the provisions of this act outside of incorporated cities and towns shall be paid to the current expense fund of the county wherein collected; twenty-five per cent thereof shall be paid to the Permanent Highway Maintenance Fund and the remaining twenty-five per cent thereof shall be paid to a special fund to be known as the "State Parks and Parkway Fund," which fund is hereby created in the State Treasury. All fines and forfeitures collected for violation of this act within the limits of incorporated cities and towns shall be paid by the County Treasurer to the treasurer of such incorporated city or town and by him placed to the credit of the Street Repair & Maintenance Fund of such incorporated city or town.

Disposition of fines and forfeitures.

SEC. 44. Nothing in this act shall be construed to curtail or abridge the right of any person to pros-

Scope of act.

ecute a civil action for damages by reason of injury to person or property resulting from the negligent use of the public highways by the driver or operator of any motor vehicle or its owner or his employee or agent, and the owner of such vehicle shall be equally liable for the negligent operation thereof, when at the time of such injury the vehicle was operated by the agent of such owner, or by any person employed by him for the purpose of operating such vehicle.

School signs.

SEC. 45. There shall be constructed and maintained within one hundred (100) yards of each approach to each school house in the state, a conspicuous wooden or suitable sign with the words "School, slow down" painted thereon in letters of the following dimensions:

#### DESCRIPTION OF SCHOOL SIGN.

The size of the board shall be 15 inches by 27 inches over all, with a black border on the outer edges one-fourth inch in width. The following directions shall be painted on the board in plain block letters in black on white background:

#### SCHOOL

#### SLOW DOWN.

The word "School" shall be written above the words "Slow Down." The size of the letters shall be four (4) inches in height, about two and three-eighths ( $2\frac{3}{8}$ ) inches in width, and spaced approximately four (4) inches from center to center. The lines forming the letters shall be one-half inch in width.

The size of the letters in the words "Slow Down" shall be three (3) inches in height, about one and three-fourths ( $1\frac{3}{4}$ ) inches in width, and spaced approximately two and three-fourths ( $2\frac{3}{4}$ ) inches from center to center. The lines forming

the letters shall be three-eighths (3/8) inch in width. The words "Slow Down" shall be underlined with a black line one-fourth (1/4) inch in width.

A margin of approximately two and one-fourth (2-1/4) inches shall be left between the outer edge of the letters and the edge of the board. Said sign shall be constructed and maintained by the local authorities of the city or town in which any of said school houses are situated and at the expense of said city or town. For all school houses located outside of the limits of any town or city said sign shall be constructed and maintained by the county in which any of said school houses are situated and at the expense of said county.

SEC. 46. It shall be the duty of the mayor and council or other governing authorities of every city or town to erect and maintain at the corporate limits of such city or town, on all paved highways crossing such limits, substantial wood or metal signboards placed at right angles to the highway and painted white and having thereon in black letters four inches high the following words and figures:

Signs at city or town limits.

On the side nearest the city or town: "City limits of ..... 30 miles per hour";  
(name of city or town)

On the side away from the city or town: "City limits of ..... speed limit 20 miles per hour."  
(name of city or town)

SEC. 47. 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.

Director of  
licenses to  
assume cer-  
tain duties  
of secretary  
of state.

Fees to state  
treasurer.

Repeal.

Emergency.

SEC. 48. The director of licenses, from and after the time when he shall be appointed and qualified and assume and exercise the duties of his office, shall exercise all the powers and perform all the duties by this act vested in and required to be performed by the secretary of state, except the receiving of fees and moneys which shall, from that time, be paid to the state treasurer who shall transmit his duplicate receipt therefor to the director of licenses.

SEC. 49. That chapter 153 of the Laws of 1913 and chapter 142 of the Laws of 1915 are hereby repealed.

SEC. 50. This act is necessary for the immediate preservation of the public safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 1, 1921.

Passed the House, March 5, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 97.

[H. B. 312.]

## GUARANTY OF BANK DEPOSITS.

AN ACT relating to banks, providing for the security of deposits thereof, including certain deposits of public funds, creating a depositors' guaranty fund, providing for the administration thereof, prescribing the powers and duties of certain officers with reference thereto and providing penalties for violation thereof, and amending sections 2, 4, 8, 9, 11, 13, 14, 15, 17, and 19 of Chap. 81, Laws 1917, and further amending said Chapter by adding thereto certain sections to be designated 22A, repealing section 12 of said Chapter.

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

SECTION 1. That Section 2 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 2. There shall be created for the protection and security of depositors in banks, a fund which shall be known as the "Washington Bank Depositors' Guaranty Fund" and shall consist of cash equal to one per cent of the total amount of annual average deposits, eligible to guaranty, of all such member banks, to be deposited with the fund by such member banks in proportion to their respective annual average deposits eligible to guaranty.

Depositors'  
guaranty  
fund.

There shall also be created a fund to be called the Contingent Fund from which shall be paid the expenses incurred by the Guaranty Fund Board and also any losses which may be sustained through the failure of any member bank. An assessment of not to exceed one-tenth (1/10) of one per cent of the average deposits eligible for guaranty for the preceding year shall be levied by the board on or before the 30th of January of each year, until such time as the Contingent Fund shall equal three (3%) per cent of all of the deposits eligible for guaranty in all member banks: *Provided, however,* That with-

Contingent  
fund.

in thirty days from the date upon which this act takes effect the Guaranty Fund Board shall levy an assessment of one-tenth ( $1/10$ ) of one per cent of the deposits eligible for guaranty for the preceding year, which assessment shall be the only assessment made for the benefit of the Contingent Fund for the calendar year 1921. The Guaranty Fund Board may appropriate from the Contingent Fund such funds as it may deem necessary to cover the authorized expenses of the board.

SEC. 2. That Section 4 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Powers and  
duties of  
board.

Section 4. Within thirty (30) days after the taking effect of this act, the Board shall meet at the state capitol and organize, and shall have power from time to time to adopt, publish and enforce reasonable rules and regulations governing the admission of banks as members of the fund, and prescribing the duties of member banks, not inconsistent with the provisions of this act or the laws relating to banks, and defining the boundaries of banking districts and regulating the rate of interest to be paid by member banks in such districts, and shall have power to provide the necessary books, records and other supplies, and the necessary assistance, and pay the necessary expenses for carrying out the provisions of this act, and for the protection and development of the Washington Bank Depositors Guaranty Fund, and the cost of all such supplies, assistance and expenses shall be paid out of the Contingent Fund by resolution of the Board authorizing the same and entered upon its minutes, and upon vouchers approved by the chairman of the Board. And the Board shall have power to designate guaranteed banks as depositaries for all moneys in the funds provided for by this Act, or to invest the Contingent Fund in such securities as are eligible for the security of Postal Savings

Funds, under such rules and regulations as the Board may from time to time, adopt: *Provided*, That income derived from the investments made under the provisions of this Act shall be credited to the Contingent Fund.

SEC. 3. That Section 8 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 8. If the Board shall be satisfied with the report of the Director of Taxation and Examination and with the condition and management of said bank, and shall find that said applicant bank is conducting its business in strict accordance with the law under which it is organized, and the provisions of this Act, and has an unimpaired surplus equal to ten per cent of its capital, it shall cause the secretary of the Board to notify the applicant bank that its application has been approved, and that it will be admitted to membership in the fund, upon making with the Board the deposits required by this Act, and complying with all requirements made by the Board, but no bank shall be eligible for membership in the fund unless it shall have been actively engaged in the banking business for at least one year prior to the date of its application for membership.

Approval of application.

SEC. 4. That Section 9 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 9. If the Board shall find from any such application for membership, and from the report of the Director of Taxation and Examination that the applicant has not the required unimpaired surplus, or is not in sound financial condition, or is not conducting its business in accordance with the provisions of this Act or that its method of conducting its business is, in the opinion of the Board, reckless or unsafe, the Board shall cause the secretary to notify the applicant of the conditions upon which it may be admitted to membership. Any bank

Admission withheld until compliance with conditions.

which shall fail or neglect for a period of sixty days, to comply with the conditions imposed by the Board and furnish proof of such compliance to the satisfaction of the Board, may have its application for membership rejected. Any bank which has been refused membership in the fund may within thirty days from the date of such refusal by the Board, appeal therefrom to the Superior Court of Thurston County, by filing with the Clerk of said court a notice of appeal, and serving a copy thereof upon the secretary of the Board, and such appeal shall be heard *de novo* by said court.

SEC. 5. That Section 11 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Annual bank reports as to deposits.

Section 11. On or before the 10th day of January of each year, each guaranteed bank shall certify under oath to the secretary of the board, the amount of deposits eligible to guaranty under the provisions of this act, and the amount of deposits not eligible to guaranty, in such bank at the close of business as of the dates during the preceding year, upon which official calls for reports were made by the Director of Taxation and Examination and the average deposits eligible to guaranty, and the average deposits not eligible to guaranty, for the preceding calendar year shall be based upon the average of the amounts shown upon call dates. On or before the 30th of January of each year, the guaranty fund board shall determine the amount which shall be deposited to the credit of the board for the current calendar year which amount shall be equal to one (1%) per cent of the average eligible deposits for the preceding calendar year, unless such fund has been impaired by losses which are not replaced by assessments as hereinafter provided. When the member bank shall be advised of the amount which it shall deposit to the credit of the guaranty fund board, it shall at once enter such

credit to the account of the guaranty fund board upon its individual ledger and shall charge a like amount on its general ledger, which account shall be known as INTEREST IN GUARANTY FUND, and shall be so shown and reported at all times. The Guaranty Fund shall be adjusted each year, the member banks being charged or credited according to the amount of increase or decrease in deposits eligible to guaranty for the preceding year. Should this fund be impaired through losses or otherwise, the board may in its discretion levy an assessment of not to exceed one-half (1/2) of one per cent per annum of the deposits eligible for guaranty for the preceding year; such assessments for the benefit of the Guaranty Fund may be made only for the purpose of making good impairments of such fund. Any funds in the Guaranty Fund may be used in paying the owners of guaranteed deposits in member banks, but not until the Contingent Fund shall have been depleted.

Annual adjustment.

Any losses which may be recovered from the converting of the assets of failed banks into cash, shall be credited first to the Contingent Fund, until the amount of such fund shall have reached the proportions it would have reached at that time, had there been no payments made from said fund on account of losses, the balance of such sums so realized from the assets of failed banks shall be credited to the Guaranty Fund: *Provided*, That no bank shall receive a benefit from any recoveries made from the collection of assets of failed banks in excess of the amount which such bank shall have contributed to the Guaranty Fund because of such failure.

Credit of recovered losses of failed banks.

SEC. 6. That Section 13 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 13. If after the passage of this act, any guaranteed bank, or the board of directors, or any officer thereof, shall pay interest on any form

Cancellation of membership for reckless dealings.

of deposits on different terms than those, or at a rate in excess of that, approved by the Guaranty Fund Board from time to time, and that shall be uniform within each district; shall be deemed to be reckless, and its certificate as a member of the guaranty fund, may, in the discretion of the Board, be cancelled: *Provided, however,* That any existing contract for higher rates of interest, entered into before the passage of this act, may be carried out unimpaired, and such existing contract shall not disqualify such bank from becoming a member of the fund, if it is, in the opinion of the Board, otherwise eligible. If any managing officer of any guaranteed bank, or any person acting in its behalf or for its benefit, shall pay, or promise to pay any depositor in such bank, either directly or indirectly, any interest, on different terms than those, or a rate in excess of, or in addition to the maximum rate, approved by the Board for the district in which such bank is engaged in business, or shall, with intent to evade any of the provisions of this act, pledge the time certificate, or other obligation of such bank, as security for the personal obligation of himself or any other person, or shall display or publish any card or other advertisement, tending to convey the impression that the deposits of such bank are guaranteed by the State of Washington, either directly or indirectly, the certificate of such bank as a member of the guaranty fund shall be cancelled, and its cash deposited for the benefit of the guaranty fund shall be forfeited. Any managing officer of any bank or any person acting in its behalf or for its benefit, who shall display any card, or publish any advertisement, or make any statement, to the effect that its depositors are guaranteed by the Washington Bank Depositors' Guaranty Fund, when such bank is not a member of such fund, or is not authorized so to do under the provisions

Forfeiture of deposits in fund.

Penalty for false representation as to membership.

of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred, nor more than one thousand dollars.

SEC. 7. That Section 14 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 14. If at any regular or special examination of a guaranteed bank made by or under the direction of the Director of Taxation and Examination or the Board, it shall be found that such bank is violating any of the provisions of this act, the laws relating to banks, or any of the rules and regulations, that the Guaranty Fund Board may from time to time adopt, the Director of Taxation and Examination shall notify such bank of such violations, and require the same to comply with the provisions of this act within thirty days from the date of such notice; and if at the expiration of thirty days, such provisions have not been complied with, the certificate of membership of such bank in the Guaranty Fund, may in the discretion of the Board be cancelled and all or any part of its deposits with the Guaranty Fund Board forfeited. Any deposits so forfeited shall be collected by the Director of Taxation and Examination and shall be transferred to the Contingent Fund.

Violations of  
act by mem-  
ber bank.

SEC. 8. That Section 15 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 15. If any guaranteed bank shall fail or neglect, for a period of thirty days after any assessment has been made against such bank, as provided in this act, to remit or credit, as the case may be, the amount of such assessment to the Secretary of the Guaranty Fund Board, there shall be added to such assessment a penalty of not to exceed fifty per cent of the amount thereof, and such assessments shall constitute a first lien on all of the assets

Failure of  
bank to re-  
mit assess-  
ments due.

of said bank. Upon the failure of any guaranteed bank to remit, or credit, as the case may be, any assessment made against it in accordance with the provisions of this act, the Director of Taxation and Examination shall immediately cause such bank to be examined, and if it is found to be insolvent, he shall take charge of and liquidate such bank according to law. Whenever the certificate of any guaranteed bank, as a member of the guaranty fund, shall be cancelled as hereinabove provided, the secretary of the Board shall cause to be displayed in a conspicuous place in the banking rooms of such bank, continuously for six months, a card not smaller than twenty by thirty inches, containing in large plain type the following words: "This bank has withdrawn from the bank depositors' guaranty fund, and the guaranty of its deposits will cease on and after the . . . . day of . . . . . 19..." The date on such card shall be a date six months after the first posting of such card.

Public notice of withdrawal of bank.

SEC. 9. That Section 17 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 17. Any guaranteed bank may withdraw from the Guaranty Fund upon giving notice to that effect in writing to the Secretary of the Guaranty Fund Board; upon displaying a card in a conspicuous place in its banking rooms as provided in Section 15 of this act, for a period of six months from the date of notice of withdrawal; upon paying all assessments and obligations made against it for the benefit of the Guaranty and Contingent Funds, and upon depositing with the Secretary of the Guaranty Fund Board, in addition to the amount to the credit of the Guaranty Fund Board in said bank, an amount equal to one-half of one per cent of its annual average deposits eligible to guaranty for the preceding year, which sum shall be retained as a guaranty for the payment of any

Voluntary withdrawal.

assessments made for the benefit of the Guaranty Fund, for a period of twelve months from and after the date notice of withdrawal shall have been received by the Secretary of the Guaranty Fund Board, for which said assessments said bank shall be liable. Upon the expiration of the said twelve months' period, said bank shall be entitled to a refund of any unused portion of any deposits made for the benefit of the Guaranty Fund.

SEC. 10. That Section 19 of Chapter 81 of the Laws of 1917 be amended to read as follows:

Section 19. Whenever the Director of Taxation and Examination shall have issued warrants in payment of claims for guaranteed deposits of any failed bank, such claims and all rights of action and remedies of the depositors therefor, shall inure to the Director of Taxation and Examination for the benefit of the Contingent and Guaranty Funds, and all sums realized therefrom shall be paid into such funds.

Subrogation of director of taxation and examination to rights of depositors.

SEC. 11. That Section 12 of Chapter 81 of the Laws of 1917 is hereby repealed.

Repealing clause.

SEC. 12. The powers and duties conferred by this act on the Director of Taxation and Examination shall be exercised and performed by the bank commissioner until such time as the Director of Taxation and Examination shall be appointed, qualified and assume and exercise the duties of his office.

Powers and duties conferred upon director of taxation and examination.

Passed the House, March 3, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 98.

[H. B. 213.]

## CONVEYANCE TO SPOKANE COUNTY FOR HIGHWAY.

AN ACT authorizing the conveyance of lands for highway purposes.

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

Issuance of deed authorized.

SECTION 1. That the governor be and he is hereby authorized to, in the name of the state, convey to the county of Spokane, by deed, a strip of land sixty feet in width over and across the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, the northwest quarter of the southeast quarter, the southwest quarter of the southeast quarter, and the southeast quarter of the southwest quarter of section 24, and the northeast quarter of the northwest quarter and the southeast quarter of the northwest quarter of section 25 in township 24, north of range 40 east of the Willamette Meridian, as a right of way for a county road, subject to such reservations and conditions as he may deem necessary for the protection of the interests of the state and of the institutions of the state using and occupying the land over which such right of way is conveyed; and also to convey to the county of Spokane a strip of land sixty feet in width over and across lot 2, the southeast quarter of the northwest quarter and the southwest quarter of the northwest quarter of section 24, township 24, north of range 40 east of the Willamette Meridian, as a right of way for a county road, subject to such reservations and conditions as he may deem necessary for the protection of the interests of the state and of the institutions of the state using and occupying the land over which such right of way is conveyed.

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

Passed the House, February 25, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 99.

[H. B. 111.]

### NEWSPAPER PUBLICATION OF LEGAL AND OFFICIAL NOTICES.

AN ACT relating to and regulating the publication of legal and  
other official notices and fixing the fees therefor.

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

SECTION 1. No newspaper shall be considered a "Legal news-  
paper" de-  
fined.  
legal newspaper for the publication of any adver-  
tisement, notice, summons, report, proceeding or  
other official document now or hereafter required by  
law to be published unless such newspaper shall  
have been published in the English language con-  
tinually (legal holidays and Sundays excepted) as  
a daily or weekly newspaper, as the case may be,  
in the city or town where the same is published at  
the time of the publication of such official document,  
for at least six months prior to the date of such  
publication, and shall be printed either in whole or  
in part in an office maintained at the place of pub-  
lication: *Provided*, That in case of the consolidation  
of two or more newspapers such consolidated news-  
paper shall be considered a legal newspaper if  
either or any of the papers so consolidated would  
be a legal newspaper at the date of such legal pub-  
lication, had not such consolidation taken place:

*Provided, further,* That nothing in this section shall be construed to invalidate any publication in a foreign language prior to the taking effect of this act.

Affidavit of publication to state what.

SEC. 2. All legal and other official notices shall be published in a legal newspaper as defined in the preceding section and the affidavit of publication shall state that such newspaper is a legal newspaper and shall be *prima facie* evidence of that fact.

Scope of act.

SEC. 3. The provisions of the two preceding sections shall not apply in counties where no newspaper has been published for a period of one year prior to the publication of such legal or other official notices.

Basis for publication charges.

SEC. 4. In all cases where publication of legal notices of any kind is required or allowed by law, the person or officer desiring such publication shall be required to pay on a basis of one dollar and forty cents per folio of one hundred words for the first insertion and eighty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words: *Provided,* That any newspaper having a circulation of over 20,000 copies each issue may charge such additional rate as it may deem necessary and just and any person or officer authorizing the publication of any legal notice in such newspaper may legally pay such rate as is charged by such newspaper, and: *Provided, further,* That this section shall not apply to the amount to be charged for the publication of any legal notice or advertisement for any school district, village, town, city, county, state, municipal or quasi-municipal corporation or the United States government.

Selection of legal newspaper.

SEC. 5. Any summons, citation, notice of sheriff's sale, or legal advertisement of any description, the publication of which is now or may be hereafter required by law, may be published in any daily or weekly legal newspaper of general circulation pub-

lished in the county where the action, suit or other proceeding is pending, or is to be commenced or had, or in which such notice, summons, citation, or other legal advertisement is required to be given: *Provided, however,* That if there be more than one legal newspaper in which any such legal notice, summons, citation or legal advertisement might lawfully be published, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspaper such legal notice, summons, citation, notice of sheriff's sale or other legal advertisement shall be published.

SEC. 6. Where any law or ordinance of any incorporated city or town in this state provides for the publication of any form of notice or advertisement for consecutive days in a daily newspaper, the publication of such notice on legal holidays and Sundays may be omitted without in any manner affecting the legality of such notice or advertisement: *Provided,* That the publication of the required number of notices is complied with.

Omission of  
legal holi-  
days and  
Sundays.

SEC. 7. The affidavit of publication of all notices required by law to be published shall state the full amount of the fee charged for such publication and that the fee has been paid in full.

Affidavit of  
publication  
to state fee  
charged and  
paid.

Passed the House, March 1, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 100.

[H. B. 270.]

PAYMENT OF CLAIMS OF COUNTY COMMISSIONERS  
AND ROAD COMMISSIONERS.

AN ACT relating to the auditing and payment of claims of county commissioners and road commissioners, and amending section 1682 Pierce's Code.

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

SECTION 1. That section 1682 of Pierce's Code (Laws 1911 p. 337) be amended to read as follows:

Extra com-  
pensation  
and expenses.

Section 1682. Whenever a member of the board of county commissioners of any county shall have a claim for compensation for per diem and expenses for attendance upon any special or extra session of the board of county commissioners of which he is a member or a claim for compensation for extra services or expenses incurred as such commissioner, including services performed as road commissioner, such claim shall be verified by him and after being approved by a majority of the board of county commissioners of such county shall be filed with the clerk of the superior court and be approved by the superior judge of such county or any superior judge holding court in such county. If the judge so approve it or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor: *Provided*, The superior judge may make such investigation as he shall deem necessary to determine the correctness of such claim and may, after such investigation, approve or reject any part of such claim: *Provided further*, The superior court shall not be required oftener than once in each month to pass upon any such claims and the court may fix a time in each month by general order filed with the

clerk of the board of county commissioners on or before which such claims must be filed with the clerk of the superior court.

Passed the House, February 26, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 101.

[H. B. 295.]

### SCHOOL DISTRICTS IN INCORPORATED CITIES.

AN ACT relating to public schools and amending section 4424 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4424 of Rem. & Bal. Code be amended to read as follows:

Section 4424. Every incorporated city in the state shall be comprised in one school district, and shall be under the control of one board of directors: *Provided*, That any two or more contiguous or adjacent districts of the second and third class may form a union high school district in the manner and with all the powers provided by law for union high school districts: *Provided*, That nothing in this section shall be so construed as to prevent the extension of such city district a reasonable distance beyond the limits of such city: *And provided further*, That nothing in this section shall be so construed as to change or disturb the boundaries of any school district organized prior to the incorporation of any city, except in cases of incorporation of cities lying partly in two or more school districts organized prior to the incorporation of such city, or the extension of the boundaries of cities beyond the limits of the school

When city  
comprises a  
single dis-  
trict.

districts in which they are situated, or in cases where two or more cities unite, as provided by law: *And provided further*, That the fact of the issuance of bonds by school districts, heretofore or hereafter, shall not prevent the formation of new school districts, whether or not such bonds have been redeemed, canceled, or paid in whole or in part and shall not prevent the transfer or uniting with another school district of a portion or the whole of a district where bonds have been or may hereafter be issued.

Passed the House, March 2, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 102.

[H. B. 62.]

### CONSERVATION OF FORESTS.

AN ACT relating to state forests, authorizing the designation of places for camping grounds where fires may be kindled and amending sections 5, 8, and 11 of chapter 125 of the Laws of 1911, and amending chapter 125 of the Laws of 1911 by adding a new section to be known and designated as section 23.

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

SECTION 1. That section 5 of chapter 125 of the Laws of 1911 be amended to read as follows:

Forester may  
appoint  
wardens.

Section 5. The forester shall, subject to the approval of the board, have power to appoint within any county in this state where there is timber requiring protection, one or more wardens for all or any portion of the period during which the forester deems that forest fire dangers exist.

The forester may, subject to the approval of the board, and at such times and in such localities as he

deems the public welfare demands, employ one or more wardens whose duty it shall be to examine deforested lands of the state, and ascertain if such lands are chiefly valuable for agriculture, or if they are chiefly valuable for timber growing, with a view to reforestation. The said wardens, shall, under the direction of the forester, engage in the discovery of inflammable material, and cause, or assist in the burning of such material at such times as the burning can be done without endangering adjacent timber, or other property. The said wardens, under the direction of the forester, shall prevent and detect trespass and illegal cutting upon state timber lands, and shall enforce the laws in respect to such trespass and illegal cutting.

The forester shall have power to temporarily suspend any warden or ranger who may be incompetent or unwilling to discharge properly the duties of his office, and to appoint his successor temporarily, until his action shall be passed upon by the board.

The wardens shall make their headquarters at the county seat of the county which they represent, and be equipped with suitable office quarters in the county court house by the county commissioners.

The board of county commissioners of any county in which there has been no warden appointed, may request the forester to appoint a warden, and the forester may, if in his judgment the necessity exists, appoint, subject to the approval of the board, one or more wardens for each county.

The authority of the wardens respecting the prevention, suppression and control of forest fires, summoning, impressing or employing help, or making arrests for the violation of this act, may extend to any adjacent county, or to any part of the state in times of great fire danger.

The salaries and necessary expenses of all wardens, together with all wages and expenses incurred

for help and assistance in forest fire protection shall be fixed by the state board of forest commissioners, the wages and salaries to be based on but not to exceed going wages and salaries for similar work, and shall be borne in the proportion of two-thirds by the state and one-third by the county in which the service was given and the expense incurred for forest fire protection.

All accounts of the wardens shall be submitted to the forester as well as all bills for forest fire protection authorized by the wardens, and when such bills are approved and paid as provided for in section 3 of this act, the amount of one-third of all such outlays in each county shall be due and payable on demand from each of said counties into the state treasury, and credited to the fund appropriated by this act.

All wardens and rangers shall render reports to the forester on such blanks or forms, or in such manner, and at such times as may be ordered, giving a summary of how employed, the area of country visited, expenses incurred, and such other information as may be called for by the forester.

SEC. 2. That section 8 of chapter 125 of the Laws of 1911 be amended to read as follows:

Section 8. No one shall burn any forest material within any county in this state in which there is a warden or ranger during the period beginning the 1st day of May west of the summit of the Cascade Mountains, and the 1st day of June east of the summit of the Cascade Mountains and ending, unless sooner ended by proclamation of the Governor, on the 1st day of October in each year, which period is hereby designated as the closed season, without first obtaining permission in writing from the forester, or a warden or a ranger, and afterwards complying with the terms of said permit; and any one violating any provisions contained in the preceding portions

Closed season for fires.

Penalty.

of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or be imprisoned in the county jail not exceeding thirty (30) days. Such permission for burning shall be given only upon compliance with such rules and regulations as the board shall prescribe, which shall be only such as the board deems necessary for the protection of life or property.

The forester, any of his assistants, any warden or ranger, may at his discretion, refuse, revoke, or postpone the use of permits to burn when such act is clearly necessary for the safety of adjacent property.

SEC. 3. That section 11 of chapter 125 of the Laws of 1911 be amended to read as follows:

Section 11. Any person who shall wilfully or needlessly deface or remove any warning placard or notice posted under the requirements of this act, shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, or by imprisonment in the county jail not exceeding thirty (30) days.

Removing notices.

Penalty.

Any person who shall upon any land within this state set any fire, except for necessary lumbering operations, or at the proper places on camping grounds which have been prepared and designated for recreation purposes, which fire shall spread and damage or destroy property of any kind not his own, shall upon conviction be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). If such fire be set or left maliciously, whether on his own or on another's land, with intent to destroy property not his own, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand

Spread of fires set.

Penalty.

dollars (\$1,000.00) or imprisonment in the county jail for not less than one month, nor more than one year, or by both such fine and imprisonment.

Set fire during closed season.

During the closed season any person who without a written permit from the state board of forest commissioners, shall kindle a fire, in or dangerously near any forest material, except for necessary lumbering operations or at the proper places on camping grounds which have been prepared and designated for recreation purposes, or who shall be a party to kindling such fire, or who shall by throwing away any lighted cigar, cigarette, matches, or by use of firearms, or in any other manner start a fire in forest material, and who shall fail immediately to extinguish the same, shall upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not exceeding two (2) months.

Penalty.

*Provided*, That nothing in this section contained shall absolve any person from liability on account of negligence.

The State Board of Forest Commissioners is hereby authorized and empowered, and it is its duty to designate and prepare such camping grounds as it may determine for the purpose of carrying out the provisions of this section.

SEC. 4. That chapter 125 of the Laws of 1911 be amended by adding a new section to be known and designated as section 23 to read as follows:

Division of forestry assumes powers and duties.

Section 23. The director of conservation and development, through and by means of the division of forestry, shall, upon his appointment, qualification and assumption of the duties of his office, exercise all the powers and perform all the duties vested in, and required by this act to be performed by either the state forester and fire warden or the state board of forest commissioners. The director of conservation and development shall have the power and au-

thority and it shall be his duty to receive, and disburse through and by means of the division of forestry, any and all moneys contributed, allotted or paid by the United States under the authority of any act of congress for use in cooperation with the State of Washington in protecting and developing forests.

Passed the House, February 14, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 103.

[H. B. 133.]

### AMENDMENTS TO WATER CODE.

AN ACT relating to the use of diversion of water in the State of Washington, amending section 41 of Chapter 117, Session Laws of 1917 and further amending said chapter by adding thereto two new sections to be designated Section 23-a and Section 31-a, providing for the regulation of streams or other waters during the pendency of adjudication proceedings and recognizing the reciprocal rights of citizens of other states or nations to divert in this state water for beneficial use in another state or nation.

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

SECTION 1. That Chapter 117 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 23-a.

Section 23-a. During the pendency of such adjudication proceedings prior to judgment or upon appeal to the supreme court of the state or other appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in said state hydraulic engineer's report upon an order of the court authorizing such regulation: *Provided*, Any interested party may file a bond and obtain an order stay-

Regulation  
of stream  
pending pro-  
ceedings.

ing the regulation of said stream as to him, in the same manner as provided in Section 11 of the Act, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just.

SEC. 2. That section 41 of Chapter 117, of the Session Laws of 1917, be amended to read as follows:

Section 41. (1) Any person or persons who shall wilfully interfere with, or injure or destroy any dam, dike, headgate, weir, canal or reservoir, flume or other structure or appliance for the diversion, carriage, storage, apportionment or measurement of water for irrigation, reclamation, power or other beneficial uses, or who shall wilfully use or conduct water into or through his ditch, which has been lawfully denied him by the water master or other competent authority, or shall wilfully injure or destroy any telegraph, telephone or electric transmission line, or any other property owned, occupied or controlled by any person, association, or corporation, or by the United States and used in connection with said beneficial use of water, shall be guilty of a misdemeanor.

(2) Any person or persons who shall wilfully or unlawfully take or use water, or conduct the same into to his ditch or to his land, or land occupied by him, and for such purpose shall cut, dig, break down or open any headgate, bank, embankment, canal or reservoir, flume or conduit, or interfere with, injure or destroy any weir, measuring box or other appliance for the apportionment and measurement of water, or unlawfully take or cause to run or pour out of such structure or appliance any water, shall be guilty of a misdemeanor.

(3) The use of water through such structure or structures, appliance or appliances hereinbefore named after its or their having been interfered with,

Interference  
with appli-  
ances or  
wrongful use  
of water.

injured or destroyed, shall be prima facie evidence of the guilt of the person using it.

SEC. 3. That Chapter 117 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 31-a.

Section 31-a. That no permit for the appropriation of water shall be denied because of the fact that the point of diversion described in the application for such permit, or any portion of the works in such application described and to be constructed for the purpose of storing, conserving, diverting or distributing such water, or because the place of intended use or the lands to be irrigated by means of such water, or any part thereof, may be situated in some other state or nation, but in all such cases where either the point of diversion or any of such works or the place of intended use, or the lands, or part of the lands, to be irrigated by means of such water, are situated within the state of Washington, the permit shall issue as in other cases: *Provided, however,* That the state hydraulic engineer may in his discretion, decline to issue a permit where the point of diversion described in the application is within the State of Washington but the place of beneficial use in some other state or nation, unless under the laws of such state or nation water may be lawfully diverted within such state or nation for beneficial use in the state of Washington.

Denial of  
permit for  
appropriation.

Passed the House February 9, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 104.

[H. B. 226.]

SALE AND MANUFACTURE OF MILK AND  
MILK PRODUCTS.

AN ACT relating to milk and milk products, and amending sections 19, 41, and 63 and repealing section 30 of chapter 192 of the Laws of 1919.

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

SECTION 1. That section 19 of chapter 192 of the Laws of 1919 be amended to read as follows:

Temperature  
for testing  
purposes.

Section 19. In all tests made of milk or cream to determine the amount of milk fat therein the Babcock Tester must be read at the proper temperature which is hereby declared to be not less than one hundred and thirty degrees Fahrenheit and not more than one hundred and forty degrees Fahrenheit, and all payments for or sales of milk or cream made on the basis of measurement or weight shall be made according to the true weight and measurement which is hereby declared to be seventeen and six-tenths cubic centimeters for milk and nine grams or eighteen grams for cream. In all tests for cream the cream shall be weighed into the test bottle.

Repealing  
clause.

SEC. 2. That section 30 of chapter 192 of the Laws of 1919 be and the same is hereby repealed.

SEC. 3. That section 41 of chapter 192 of the Laws of 1919 be amended to read as follows:

Statistical  
reports.

Section 41. The department of agriculture shall provide blanks for reporting statistics of the production of milk and milk products. The department shall annually on or before the first day of January of each year cause to be mailed to the owners or operators of all creameries, cheese factories, milk plants, milk condensing factories, factories of milk products, and to all milk vendors and milk dealers,

one or more of such blanks. All such persons shall on or before the first day of February next following transmit to said department such blanks properly filled out and signed by such person and showing a full and accurate report of the amount of milk, cream, butter, cheese, ice cream, ice milk, buttermilk, skimmed milk, or other milk produce received, produced, manufactured or distributed during the year ending on the 31st day of December next previous thereto. The words "milk vendor" or "milk dealer" shall mean any person, firm or corporation who sells, vends, furnishes or delivers milk, skimmed milk, buttermilk or cream from any wagon, automobile, cart or other vehicle.

SEC. 5. That section 63 of chapter 192 of the Laws of 1919 be amended to read as follows:

Section 63. No person, firm or corporation shall use the words "Washington Creamery Butter" upon any butter, or imitation thereof, or upon any product, substance or compound resembling butter, or upon any box, package, wrapper, or other container thereof, as a brand, emblem or trade mark of such butter, imitation, product, substitute or compound, and no person, firm or corporation shall manufacture, sell or offer for sale or have in his possession with intent to sell butter known as reworked butter, unless the package in which the butter is sold has marked on the side of it the words "REWORKED BUTTER" in capital letters one inch high and one-half inch wide with ink which is not easily removed.

Use of words  
"Washington  
Creamery  
Butter."

Use of words  
"Reworked  
Butter."

Passed the House March 1, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 105.

[H. B. 208.]

## PROTECTION OF TREES, SHRUBS AND PLANTS.

AN ACT to protect forest, agricultural, horticultural, ornamental and floral trees, shrubs and plants, and the products thereof in the state of Washington, from the ravages of diseases and insects and animal or weed pests injurious thereto or destructive thereof; to prevent the introduction into this state or the spread within this state of such diseases and insect and animal or weed pests; and providing penalties for violation thereof.

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

Protection  
authorized.

SECTION 1. The forest, agricultural, horticultural, ornamental and floral trees, shrubs, and plants in the state of Washington, and the products thereof shall be preserved and protected from the ravages of diseases, insects, and animal and weed pests injurious thereto and destructive thereof.

Quarantine  
regulations.

SEC. 2. The Director of Agriculture shall have the power and it shall be his duty by and with the approval of the Governor to establish and the director shall thereupon maintain and enforce such obligatory quarantine regulations as may be deemed necessary to protect the forest, agricultural, horticultural, ornamental and floral trees, shrubs and plants, and the products thereof in the state of Washington, against contagion or infestation by injurious plant disease insects, or animal or weed pests, by establishing such quarantine at the boundaries of this state or elsewhere within the state, and he may make and enforce, any and all such obligatory rules and regulations as may be deemed necessary to prevent any infected or infested forest, agricultural, horticultural, ornamental and floral trees, shrubs, and plants, and the products thereof in the state of Washington from passing over any quarantine line established and pro-

claimed pursuant to this act, and all such articles shall, during the maintenance of such quarantine, be inspected by such director or by horticultural or other inspectors thereto appointed, and he and the inspectors so conducting such inspection shall not permit any such article to pass over such quarantine line during such quarantine, except upon a certificate of inspection, signed by such director or in his name by such inspector who has made such inspection. All approvals by the governor given or made pursuant to this act shall be in writing and signed by the governor in duplicate, and one copy thereof shall be filed in the office of the secretary of state and the other in the office of said director before such approval shall take effect.

SEC. 3. Upon information received by such director of the existence of any infectious plant disease, insect or other animal or weed pest, new to or not generally distributed within this state, dangerous to any plant or commodity or to the interests of the plant industry of this state, or that there is a probability of the introduction of any such infectious plant disease, insect or other animal or weed pests into this state or across the boundaries thereof, he shall proceed to thoroughly investigate same and may establish, maintain and enforce quarantine as hereinbefore provided; and may make and enforce such regulations as are in his opinion, necessary to circumscribe and exterminate such infectious plant diseases, insect or other animal or weed pests and prevent the spread thereof. Such director may disinfect, or take such other action with reference to any trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit-pits, fruit, seeds, vegetables or any crops or crop products, and any containers thereof, and any packing material used therewith infested or infected with, or which, in his opinion may have been

Investigations and enforcement of quarantines.

exposed to infection or infestation by, any such infectious plant diseases, insect or other animal or weed pests, as in his discretion shall seem necessary to carry out and give effect to the provisions of this act. Such director, his deputies and inspectors are hereby authorized to enter upon any ground or premises to inspect the same or to inspect any tree, shrub, plant, vine, cutting, graft, scion, bud, fruit-pit, fruit, seed, vegetable or other article of horticulture or implement thereof or box or package or packing material pertaining thereto, or connected therewith or that has been used in packing, shipping or handling the same, and to open any such package, and generally to do, with the least injury possible under the conditions to property or business all acts and things necessary to carry out the provisions of this act. The said director shall at once notify the Governor of all quarantine lines established under or pursuant to this act, and if the Governor approve or shall have approved of the same or any portion thereof, the same shall be in effect and the Governor may issue his proclamation proclaiming the boundaries of such quarantine and the nature thereof, and the order, rules or regulations prescribed for the maintenance and enforcement of the same, and may publish said proclamation in such manner as he may deem expedient to give proper notice thereof.

All orders, rules and regulations issued by the director of agriculture pursuant to this act shall have the force and effect of law.

SEC. 4. Each carload, case, box, package, crate, bale or bundle of trees, shrubs, plants, vines, cutting, grafts, scions, buds, fruit-pits, or fruit or vegetables or seed, imported or brought into this state, shall have plainly and legibly marked thereon in a conspicuous manner and place the name and address of the shipper, owner or owners or person forwarding or shipping the same, and also the name of the per-

son, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agents, also the name of the country, state or territory where the contents were grown, and a statement of the contents therein.

SEC. 5. When any shipment of nursery stock, trees, vines, plants, shrubs, cuttings, grafts, scions, fruit, fruit-pits, vegetables or seed, or any other horticultural or agricultural product passing through any portion of the State of Washington in transit, is infested or infected with any species of injurious insects, their eggs, larvae, pupae or animal or plant disease, which would cause damage, or be liable to cause damage to the forests, orchards, vineyards, gardens, or farms of the State of Washington, or which would be, or liable to be, detrimental thereto or to any portion of said state, or to any of the forests, orchards, vineyards, gardens or farms within said state, and there exists danger of dissemination of such insects or disease while such shipment is in transit in the State of Washington, then such shipment shall be placed within sealed containers, composed of metallic or other material, so that the same can not be broken or opened, or be liable to be broken, or opened, so as to permit any of the said shipment, insects, their eggs, larvae, or pupae or animal or plant disease to escape from such sealed containers and the said containers shall not be opened while within the State of Washington.

Regulations  
on shipments  
through  
state.

SEC. 6. Whenever the director of agriculture declares, promulgates and issues quarantine measures, orders or regulations against any part or portion of this state or any other state or country or section thereof, for the protection of any forest, agricultural, horticultural, ornamental or floral trees, shrubs or plants, and there shall be received in this state, any forest, agricultural, horticultural, ornamental or

Regulations  
covering in-  
spections in  
transit.

floral trees, shrubs, or plants, or the raw products thereof, from any part or portion of this state or any other state or country or section thereof, against which the quarantine has been issued as to such commodity, it shall be the duty of the person, or the official of the carrier having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state, showing that the same was inspected and approved at the initial point of shipment, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment giving the name of the consignor and consignee and stating that such shipment is ready for inspection and delivery. Said notification shall be either by telephone or telegraph, and confirmed by written notice delivered personally to said inspector or to some person of suitable age and discretion at his residence or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector: *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event, such shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for delivery of mail to the address of the inspector. Upon the delivery to the consignee of a shipment accompanied by a certificate of inspection as aforesaid, the agent or person making the delivery shall retain the certificate of inspection showing his authority for releasing the same.

SEC. 7. Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of this act shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the same rule or regulation, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than \$100.00, or more than \$1,000.00, or by both such fine and imprisonment.

Violations  
and penalty.

SEC. 8. This act shall not be construed as repealing or limiting any of the provisions of existing laws touching on any of the matters herein referred to, but shall be deemed to be supplemental thereto.

Scope of act.

Passed the House, March 2, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

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## CHAPTER 106.

[H. B. 139.]

### DISTRIBUTION OF WATER FOR IRRIGATION PURPOSES.

AN ACT relating to the supervision of the distribution of water for irrigation purposes, the creation of water distribution districts, the providing of a fund therefor and the levying of taxes on the lands included therein.

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

SECTION 1. For the purpose of securing economy, fairness, promptness and accuracy in the distribution of water for the irrigation of agricultural lands the board of county commissioners of any county may create a water distribution district or districts within such county and may enlarge, reduce, consolidate or divide any district already created or

Creation of  
water distri-  
bution dis-  
tricts.

create new districts from time to time in the manner hereinafter set forth.

Petition of  
owners of  
certificates.

SEC. 2. Whenever two or more owners of certificates of the right to divert waters issued by the state hydraulic engineer, resident upon the land to which said rights are appurtenant, shall petition the board of county commissioners asking that their lands be included either separately or with other lands designated in the petition in a district to be formed for the purposes set forth in section 1 of this act, the board shall fix a time for the hearing of such petition and shall give notice of such hearing as hereinafter provided.

Sufficiency of  
petition.

SEC. 3. Said petition shall describe all the land to be included in the district by ownerships, shall give the name and last known address of the owners thereof, the nature, extent and priority of the water right appurtenant to each ownership and the location of the diversion points on the stream from which water for said lands is derived and shall be signed by the petitioners. Attached to such petition shall be a map outlining the present location of the ditches making up the distribution system on the lands to be included in the district, and the written approval of the state hydraulic engineer. Any petition for the modification of any existing district shall follow the same general form in this section outlined.

Notice of  
hearing.

SEC. 4. At least thirty days before the day of hearing on said petition to form a district, the board of county commissioners shall give a notice of such hearing by mailing a copy of the same by registered mail to the landowners named in the petition, by posting copies of the notice in three conspicuous places within the proposed district and one at the court house, and by publishing a copy of same in a newspaper of general circulation published in said county for three successive weeks, the date of the

first publication to be at least thirty days before the day of hearing. Said notice shall contain a copy of the petition, omitting the map and written approval of the state hydraulic engineer, shall state the time and place of the hearing, and shall require any person interested to appear at such hearing and show cause in writing, if any he has, why said district should not be formed.

SEC. 5. At the hearing on such petition the board of county commissioners shall determine whether such district shall be created and shall fix the boundaries thereof according to the prayer of the petition or otherwise: *Provided*, That said board shall not include any land which is a part of an established irrigation district; nor shall the board add any lands not described in the petition, unless the record owners thereof have previously been notified, as in this Act provided, and given an opportunity to be heard; nor shall any petition be considered unless the written approval of the state hydraulic engineer be attached thereto. Said hearing may be continued from time to time for the purpose of considering additional land, or giving further notice or for any purpose which in the judgment of the board of commissioners may render a continuance of the hearing necessary. If a district is created the board of county commissioners shall pass a resolution and spread the same upon the minutes of the board declaring such fact, and designating the territory included in such district as "Water Distribution District No. . . . ., . . . . . county."

Determina-  
tion on  
hearing.

SEC. 6. Such district shall be administered by three resident freeholders acting as a board of trustees. Said trustees shall be appointed by the state hydraulic engineer and shall hold office during his pleasure without pay except for actual expenses. Said board of trustees shall have the following duties and powers:

Board of  
trustees.

Powers and  
duties.

(1) They shall hire for a reasonable wage and for such time as they may determine, a person, or persons if more than one are necessary, to act as ditch master whose duty it shall be to apportion the water to the several lands in the district according to their respective rights.

(2) They shall, when authorized by a vote of the record land owners as hereinafter provided, under the general supervision and control of the state hydraulic engineer, improve the system of the distribution of water for irrigation, and to that end may acquire rights of way for ditches by purchase or by condemnation, and may construct new ditches or repair existing ones, either by contract or by day labor or both, and employ engineering and legal advice.

(3) They shall on or before the second Monday in September make out and file with the board of county commissioners a detailed estimate of the expense of the district for the ensuing year, including any delinquencies in previous taxes as a basis for the annual tax levy against the property in said district.

(4) They shall prosecute or defend such actions as may be necessary to carry out the purposes of this act, and for that purpose may employ counsel.

Tax levy.

SEC. 7. For the purposes herein specified the board of county commissioners shall annually levy on all the taxable property within any district a tax for such district not to exceed ten mills on the dollar unless previously authorized by a vote of the landowners of such district in which case such tax shall not exceed twenty-five mills to be levied and collected as in this Act provided.

Collection of  
tax levies.

SEC. 8. The tax levies herein provided for shall be included in the regular tax rolls of the county and shall be extended on said rolls against the property liable therefor the same as other taxes are extended, and shall become a part of the general tax against

such property and shall be collected with the same terms and penalties attached, at the same times, by the same officials, and accounted for the same as other taxes are.

SEC. 9. The taxes collected by the county treasurer shall be held and disbursed as a special fund for such district, and shall be paid out only on warrants issued by the county auditor upon vouchers approved by the board of trustees of said district except that vouchers for the expenses of said trustees shall be approved by the state hydraulic engineer.

Disburse-  
ment of  
taxes.

SEC. 10. No district shall have authority to contract obligations in any year in excess of the estimated revenues for that year, except in case of an unforeseen catastrophe rendering the distribution system or any part of the same useless or dangerous to life and property.

Limitations  
on obliga-  
tions.

SEC. 11. Such district, when organized, shall be and constitute a body corporate with power to contract, sue and be sued in its corporate name, and said district shall have the power of eminent domain to be exercised under the provisions of the law giving private corporations such right.

District, a  
body cor-  
porate.

SEC. 12. The board of trustees of any district may, when in its judgment the best interests of the district will be subserved thereby, submit to the landowners a plan for the improvement of the water distribution system in operation in such district. Such plan shall be outlined under the supervision of the state hydraulic engineer and shall include a general statement of the improvements contemplated together with an estimate of the total cost thereof.

Plans for im-  
provement of  
district.

SEC. 13. Such plan shall be voted upon by the landowners of the district at a special election called for that purpose. The board of trustees shall by resolution, outline the plan of improvement, fix the time and place of election, establish one or more vot-

Vote on  
plans.

ing precincts, appoint the usual election officials and cause a twenty day notice of same to be given as herein provided.

Notice of  
election.

SEC. 14. Such notice shall be posted in at least five public and conspicuous places in each precinct in the district, one of which shall be at the polling place, and no other form of notice shall be required. Said notice shall be typewritten or printed and shall contain a general statement of the plan of improvement, including the nature, extent and estimated cost of same, shall state the day and polling place of election and the hours during which the polls shall be open, which shall be from the hour of 9 A. M. to 4 P. M., and shall state that the election shall be by ballot, and shall be signed by a member of the board of trustees.

Conduct of  
election.

SEC. 15. Such election shall be conducted in the usual manner. The election officials shall have power to fill vacancies and administer oaths to each other. The ballots shall be of uniform size, shall be typewritten or printed and shall contain the following: "Improvement Yes . . . . . and Improvement No. . . . ."; and across the top of the ballot: "Instructions to voters—To vote for the improvement as outlined in the notice of election, place a cross (x) on the line opposite the word 'yes.' To vote against the same, place a cross (x) on the line opposite the word 'no'."

Any person of the age of twenty-one (21) years, being a citizen of the United States and a resident of the State of Washington, and who holds title to land or evidence of title to land embraced within the boundaries of said distribution district, shall be entitled to vote at said election. Additional qualifications for voting required by the general election laws of the state shall not apply: *Provided*, That where the title or evidence of title to community land is held by the husband or the wife, both members of

such community shall be entitled to vote: *Provided, further,* That at any election held under the provisions of this act, an officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this Act. An elector shall vote in the precinct in which the greater portion of his land, or of the land which he represents, lies. At the close of said election, the officials shall publicly count the votes and make a return of the results forthwith to the board of trustees, which return shall include the used ballots, the original poll list, tally sheets and the appointment and oaths of election officials.

SEC. 16. On the first Monday after said election the board of trustees shall meet as a canvassing board to canvass the results of said election. Said board shall examine the proof of the posting of the notice of election, the appointments and oaths of election officials, the returns of election and shall determine their sufficiency and regularity. Said canvassing board shall then tabulate the votes and determine the result of the election. At the conclusion of the canvass said board shall pass a resolution declaring its findings and conclusions and such resolution shall be final and conclusive upon the world except for fraud or other illegal acts on the part of the canvassing board materially affecting the rights of any owner of land included in the district.

Canvass of election returns.

SEC. 17. If the majority of the votes cast at said special election are in favor of the improvement, the board of trustees shall proceed with said improvement in such manner as they may determine, under the provisions of this Act: *Provided,* That said improvement shall at all times be under the general

To proceed with improvement upon majority vote.

supervision and control of the state hydraulic engineer and all disputes regarding the character, sufficiency and practicability of the improvement shall be settled by that officer and his decision in such matters shall be final and conclusive upon the courts. The expenses of the state hydraulic engineer incurred in the exercise of his duties under this section shall be paid by the district.

Expense of improvement added to levy.

SEC. 18. After said improvements have been completed, the board of trustees shall include in their annual estimate such sums, if any, that may be necessary to maintain said improvements and keep the same in reasonable repair, and the board of county commissioners shall have the power to include the same in the annual levy without a vote of the landowners of the district within the limits prescribed in section seven of this Act.

Scope of act.

SEC. 19. All acts or parts of acts in conflict with the provisions of this act are hereby repealed: *Provided*, That nothing herein contained shall be construed as affecting, superseding, or repealing any of the provisions of law relating to Irrigation Districts.

Partial validity.

SEC. 20. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

Passed the House, February 14, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 16, 1921.

## CHAPTER 107.

[H. B. 165.]

PARKS, PARKWAYS, BATHING BEACHES, ROADS  
AND PUBLIC CAMPS.

AN ACT relating to parks, parkways bathing beaches, roads and public camps, authorizing any city or separately organized park district to acquire or join in the acquisition thereof, and pertaining to the care, control, and improvement thereof.

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

SECTION 1. Any city in this state acting through its city council, or its Board of Park Commissioners when authorized by charter or ordinance, and any separately organized park district acting through its Board of Park Commissioners or other governing officers shall have power, acting independently or in conjunction with the United States, the State of Washington, any county, city or park district or any number of such public organizations to acquire any land within this state for park, parkway, bathing beaches, roads or public camp purposes and roads leading from said park, parkway, bathing beaches, roads or public camp to nearby highways by donation, purchase or condemnation, and to care for, control, supervise, improve, operate and maintain parks, parkways, 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.

City or park district may acquire, control, etc.

SEC. 2. Any city or park district shall have power to enter into any contract in writing with any organization or organizations referred to in this act for the purpose of exercising any power granted by this act.

Contracts for co-operation.

Rules and regulations governing camps.

SEC. 3. Any city or separately organized park district shall have power to establish, care for, control, supervise, improve, operate and maintain a public camp or camps anywhere within this 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.

Scope of act.

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.

Passed the House, February 26, 1921.

Passed the Senate, March 8, 1921.

Approved by the Governor March 17, 1921.

## CHAPTER 108.

[S. H. B. 233.]

### MOTOR VEHICLES.

AN ACT relating to the operation of vehicles and the use of public highways, providing for the licensing of persons operating motor vehicles, providing for the enforcement thereof and all other highway and motor vehicle laws and prescribing penalties for violations thereof; and making appropriations.

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

"Motor vehicle" defined.

SECTION 1. (1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce, or any commodity, except traction engines temporarily upon the public highway, road rollers or road making machines, and motor vehicles that run upon fixed rails or tracks.

"Motor truck" defined.

(2) "Motor truck" shall mean any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals.

(3) The word "operator" whenever used in this act shall be held to mean any person who operates or drives a motor vehicle.

"Operator" defined.

SEC. 2. It shall be unlawful for any person under the age of fifteen years to operate or drive any motor vehicle, unless such person is accompanied by his or her parent or guardian: *Provided*, That on recommendation of the school directors of any district and the consent of the parents of any minor a special permit may be issued by the director of licenses permitting any child to drive an automobile for the purpose of attending school, the cost of such permit to be one-half of the regular license fee: *Provided*, That this shall not permit children to drive an automobile within cities of the first class.

Restrictions covering persons under 15 years.

SEC. 3. It shall be unlawful for any person under the age of eighteen years to operate or drive a motor truck of the capacity of four tons or more.

Restrictions covering persons under 18 years.

SEC. 4. It shall be unlawful for any person under the age of twenty-one years to operate a motor vehicle while being used for the transportation of passengers for hire: *Provided*, That upon the application of any person to the director of licenses, the said director of licenses, may in his discretion grant a special permit to such person under the age of twenty-one years.

Restrictions covering persons under 21 years.

SEC. 5. From and after August 1, 1921, it shall be unlawful for any person to operate or drive a motor vehicle without having first obtained and having in force a license so to do as provided in this act: *Provided, however*, That in case of emergency, to be determined by any sheriff, chief of police, police judge or judge of the superior court, said officer so determining such emergency may, upon the execution and delivery to him of an application for an operator's license as provided in section six hereof and the delivery to him of a certified check or post

Driving license.

office money order payable to the state treasurer for the prescribed license fee, issue to such applicant a temporary operator's license, effective immediately which shall terminate on the issue and delivery of the annual license provided for in this act, or on notice of the rejection of the application for such license, and upon delivery of such annual license to the applicant, or on notice of the rejection of the application therefor, such temporary license shall be surrendered and marked cancelled across the face thereof by the officer so issuing same; but nothing in this act contained shall be construed as prohibiting any non-resident of this state over the age of fifteen years from operating a motor vehicle other than a motor truck or motor vehicle used for the transportation of passengers for hire, without having first obtained and having in force a license so to do as in this act provided, if such person shall have fully complied with the laws of the state of his residence respecting the licensing of motor vehicles and the operation thereof: *Provided*, That if such non-resident shall be convicted by any court of competent jurisdiction of violating any of the provisions of the laws of this state relating to motor vehicles or to the operation thereof he shall thereafter be subject to, and required to comply with all the provisions of this act: *Provided, further*, That any person over fifteen years of age, when accompanied by a licensed operator may operate or drive a motor vehicle for a period not to exceed fifteen days for the purpose of receiving instructions necessary to secure an operator's license.

SEC. 6. (1) Every person over fifteen years of age desiring to drive or operate a motor vehicle upon the public highways of this state as an operator shall pay to the state treasurer a fee of \$1.00 and file with the state treasurer an application in writing so to do upon a blank to be provided for

\$1.00 fee for  
persons over  
15 years.

that purpose by the director of licenses. The application shall contain the name, age, weight, height, color of eyes, color of hair, place of residence and such other information as may be required by the director of licenses.

(2) In case such applicant at the time of filing such application shall have operated a motor vehicle for a period of ten days or over, such application shall be accompanied by certificate of two citizens of this state, stating that the applicant is an experienced careful driver of a motor vehicle and is free from any physical infirmities or personal habits which would tend to impair his ability safely to operate a motor vehicle under the laws of this state: *Provided*, That in case of a minor, such application shall also be approved by the father, mother, or legal guardian of the applicant, or by a judge of the superior court.

(3) It shall be the duty of the director of licenses to examine the papers in connection with each application and in case of doubt he may require such further examination under his direction as shall determine the applicant's fitness or unfitness to operate a motor vehicle. The director of licenses shall have power to issue a license to operate any motor vehicle or to operate only such motor vehicle as the license shall designate.

SEC. 7. Upon the receipt of any application for a license to drive or operate motor vehicles, accompanied by the required fee as provided in the preceding sections, it shall be the duty of the state treasurer to endorse on such application his duplicate receipt for the fee and to transmit the same to the director of licenses who, if the application be in proper form, shall issue to the applicant an operator's license, in such form as may be prescribed by the director of licenses, stating the name and place of residence, and a brief description of the licensee,

Procedure  
on applica-  
tion.

which license shall be printed in black letters upon white paper or cardboard, and shall bear a serial number, and shall contain a blank for the signature of the licensee. Such license when issued shall be forwarded by mail to the applicant to the address shown on the application. Such licenses to be valid must have endorsed thereon the signature of the owner thereof, and it shall be the duty of every person holding a license issued under the provisions of this act, while operating his motor vehicle under the authority of such license, to have such license in his personal possession or in such motor vehicle. Licenses issued under the provisions of this act shall be for a period of two years from August 1st, 1921, and shall be renewed biennially thereafter.

Furnishing  
blank forms  
of licenses.

SEC. 8. It shall be the duty of the director of licenses to furnish to the clerks of the superior courts, the justices of the peace, and the police judges of the various counties, cities and towns throughout the state, in such quantity as he shall deem necessary, blank forms of operators' licenses, printed on paper or cardboard of two colors respectively, namely blue and yellow, and containing blanks for the insertion of serial numbers and the signature of the licensee.

Surrender  
and cancel-  
lation of  
license.

SEC. 9. In case of the conviction of any person, holding an operator's license issued under the provisions of this act, for the violation of any of the motor vehicle laws of this state, or any of the provisions of this act, the court, judge or justice before whom the conviction is had shall have the power in his discretion, in addition to imposing any of the penalties provided by law, to require the defendant to surrender his operator's license forthwith to the court, and shall thereupon cancel such operator's license by writing across the face thereof the word "cancelled" and dating and signing the same. The court shall thereupon issue to the defendant a dupli-

cate of his license printed on blue paper or cardboard and bearing the same serial number as the license cancelled, and shall require the licensee to subscribe his name thereto in the presence of the court, and shall immediately transmit the cancelled license to the director of licenses; and in case of the conviction of any person holding an operator's blue license for the violation of any of the motor vehicle laws of this state, or the provisions of this act, the court, judge or justice before whom the conviction is had, shall have the power in his discretion, in addition to imposing such penalty as may be provided by law, to take up and cancel such operator's blue license and issue to the licensee an operator's yellow license, bearing the same serial number, and to require the licensee to subscribe his name thereon in the presence of the court, and to immediately transmit said cancelled blue license to the director of licenses; and in case of the conviction of any person holding an operator's yellow license of any violation of the motor vehicle laws of this state, or the provisions of this act, the court, judge or justice before whom such conviction is had shall have the power in his discretion, in addition to imposing any penalty provided by law, to take up and cancel such operator's yellow license, and to immediately transmit said cancelled license to the director of licenses.

SEC. 10. It shall be the duty of the director of licenses, upon receiving any license cancelled by a court, judge or justice under the provisions of the preceding sections, to file and keep the same in the records of his office.

Filing cancelled license.

SEC. 11. In the event of the loss or destruction of any operator's license issued under the provisions of this act, except by cancellation as provided in the preceding sections, the licensee may obtain a duplicate thereof upon filing with the state treasurer an affidavit stating the facts and the color and

Issuance of duplicate license.

serial number of the licenses lost or destroyed, and paying a fee of fifty cents to the state treasurer. Upon the receipt of such affidavit accompanied by the proper fee, it shall be the duty of the state treasurer to endorse upon the affidavit his duplicate receipt of the fee and to transmit the same to the director of licenses, who, after verifying the color and number of the licenses held by the licensee by an examination of the records of his office, shall issue to the licensee a duplicate license bearing the same serial number and of the same color as that held by the licensee.

Issue of new license after cancellation.

SEC. 12. No person who shall have had an operator's yellow license cancelled as provided in this act shall be entitled to have issued to him an operator's license, until the expiration of three months from the date of the cancellation of such operator's yellow license.

"Highway Safety Fund."

SEC. 13. The state treasurer shall, on the next business day after receiving any license, as provided in this act, pay the same into the state treasury into a special fund to be known as the "Highway Safety Fund," which fund is hereby created in the state treasury, and all expenses incurred in the enforcement of the provisions of this act shall be paid from moneys appropriated from the said highway safety fund.

Disposition of fines and forfeitures.

SEC. 14. One-half of all fines and forfeitures collected for violation of the provisions of this act outside of cities and towns of the first, second, third and fourth class, shall be paid into the current expense fund of the county wherein collected and the balance thereof shall be paid to the permanent highway maintenance fund of said county and all fines and forfeitures collected for violation of the provisions of this act in cities and towns of the first, second, third and fourth class shall be paid by the

county treasurer to the treasurer of such city or town of the first, second, third or fourth class, and by him placed to the credit of the street repair and maintenance fund of such city or town.

SEC. 15. It shall be unlawful for any person to make any false statement in any application for a license under the provisions of this act, or for the issuance of any duplicate of such license, or for any person holding a license issued under the provisions of this act to drive or operate any motor vehicle while intoxicated or under the influence of any narcotic drug or while mentally or physically disabled; any person violating the provisions of this section shall, in addition to the other penalties provided by law, forfeit his license.

Penalty for false statements in application.

SEC. 16. Every person violating or failing to comply with any provisions of this act shall be guilty of a misdemeanor: *Provided*, That any person operating or driving a motor vehicle upon the highways of this state after having his operator's yellow license cancelled as provided in this act, shall be guilty of a gross misdemeanor.

Violation of act.

SEC. 17. It shall be the duty of the director of efficiency to appoint a sufficient number of highway police who shall have the power of peace officers for the purpose of enforcing all motor vehicle laws, rules and regulations.

Highway police.

SEC. 18. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Partial invalidity.

SEC. 19. The secretary of state shall have the power and it shall be his duty to exercise all the powers and perform all the duties imposed by this act on the director of licenses until such time as the director of licenses shall be appointed and qualify

Powers and duties conferred.

and assume and exercise the duties of his office. And the state highway commissioner shall have the power and it shall be his duty to exercise all the powers and perform all the duties imposed by this act upon the director of efficiency and the supervisor of highways until such director and supervisor are appointed and qualify and shall assume and exercise the duties of their offices.

Appropriation.

SEC. 20. The following sums or so much thereof as shall be severally found necessary are hereby appropriated out of any moneys in the highway safety fund for the fiscal term beginning April 1, 1921, and ending March 31, 1923:

FOR THE OFFICES OF THE DIRECTOR OF LICENSES AND THE STATE TREASURER:

Clerk hire, supplies, material and service.....	\$60,000 00
For the supervisor of highways to be used in supervising the maintenance of state highways.....	\$50,000 00

FOR THE OFFICE OF THE DIRECTOR OF EFFICIENCY:

(Expenditures not to exceed collections.)

Salaries, supplies, material and service.....	\$200,000 00
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Repealing clause.

SEC. 21. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House, March 1, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 17, 1921.

## CHAPTER 109.

[S. H. B. 18.]

## DIVORCE AND ALIMONY.

AN ACT relating to divorce and alimony, prescribing the grounds and procedure required therefor, and the duties of judges and prosecuting attorneys in relation thereto; providing for the modification of final orders, judgments or decrees in divorce actions or proceedings by superior courts in counties other than where originally heard and determined; amending sections 982, 988 and 995 and inserting new sections to be numbered 982-1, 988-1, 995-1, 995-2, 995-3, 995-4 and 995-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington (the same being sections 7501, 7507 and 7511 and 7501-1, 7507-1, 7511-1, 7511-2, 7511-3, 7511-4 and 7511-5 of Pierce's Code) and repealing sections 991, 992 and 993 of Remington & Ballinger's Annotated Codes and Statutes of Washington (the same being sections 7514, 7515 and 7516 of Pierce's Washington Code).

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

SECTION 1. That Section 982 of Remington & Ballinger's Annotated Codes & Statutes of Washington (being Sec. 7501 of Pierce's Washington Code), be amended to read as follows:

Section 982. Divorces may be granted by the superior court on application of the party injured, for the following causes:

Grounds for divorce.

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 subsequent voluntary co-habitation.

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.

3. Impotency.

4. Abandonment for one year.

5. Cruel treatment of either party by the other, or personal indignities rendering life burdensome.

6. Habitual drunkenness of either party, or the neglect or refusal of the husband to make suitable provisions for his family.

7. The imprisonment of either party in a state penal institution if complaint is filed during the term of such imprisonment.

8. A divorce may be granted to either or both of the 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. In all such cases, the divorce may be granted on the application of either husband or wife, and either husband or wife shall be considered the injured party and the period of five years or more shall be computed from the time the separation took place.

9. In case of incurable, chronic mania or dementia of either spouse having existed for five years or more, while under confinement by order of a court of record, the court may, in its discretion, grant a divorce.

Section 982-1. When, in the opinion of the court, 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 interlocutory order until the suspected party is prosecuted and finally found guilty or innocent.

SEC. 2. That Section 988 of Remington & Balingier's Annotated Codes and Statutes of Washington (being Section 7507 of Pierce's Washington Code) be amended to read as follows:

Section 988. Pending the action for the divorce, the court, or judge thereof, may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as may be deemed right and proper, and such orders relative to the expenses of such action as will insure

Stay of proceedings pending prosecution for non-support.

Interlocutory orders.

to the wife an efficient preparation of her case, and a fair and impartial trial thereof; at the conclusion of the trial the court must make and file findings of fact and conclusions of law. If it determines that no divorce shall be granted final judgment must thereupon be entered accordingly. If, however, the court determines that either party, or both, is entitled to a divorce an interlocutory order must be entered accordingly, declaring that the party in whose favor the court decides is entitled to a decree of divorce as hereinafter provided; which order shall also make all necessary provisions as to alimony, costs, care, custody, support and education of children and custody, management and division of property, which order as to the custody, management and division of property shall be final and conclusive upon the parties subject only to the right of appeal; but in no case shall such interlocutory order be considered or construed to have the effect of dissolving the marriage of the parties to the action, or of granting a divorce, until final judgment is entered: *Provided*, That the court shall, at all times, have the power to grant any and all restraining orders that may be necessary to protect the parties and secure justice. Appeals may be taken from such interlocutory order within 90 days after its entry.

Section 988-1. At any time after six months have expired, after the entry of such interlocutory order, and upon the conclusion of an appeal, if taken therefrom, the court, on motion of either party, shall confirm such order and enter a final judgment granting an absolute divorce, from which no appeal shall lie.

Final decree  
of divorce.

SEC. 3. That Section 995 of Remington & Ballinger's Annotated Codes and Statutes of Washington (being Sec. 7511 of Pierce's Washington Code) be amended to read as follows:

Section 995. Each party to any divorce action shall serve the prosecuting attorney of the county

Service of all  
papers on  
prosecuting  
attorney.

in which the action is commenced with copies of all pleadings, notice of trial, motions or orders therein, at the time of or immediately after their service upon the opposite party or his or her counsel, and in case the summons is served by publication a copy of the summons and complaint shall be served upon the prosecuting attorney immediately after the filing of the complaint 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 case, and in such other divorce cases as the presiding judge may direct, in his county and advise the court, and to that end he shall have power upon order of the court to cause witnesses to be subpoenaed to testify at the trial, respecting any charges made in the complaint or answer or upon any vital matter touching the status of the parties or the performance or neglect of any duty by either, and the witness fees of such witnesses called by the prosecuting attorney shall be charged to the county. 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.

Prosecuting attorney to appear.

Section 995-1. Actions for divorce filed prior to the taking effect of this act shall be governed by the law applicable thereto at the time of the commencement of the action.

Act not retroactive.

SEC. 4. Insert four new sections to be known as sections 995-2, 995-3, 995-4, 995-5 as follows:

Section 995-2. Hereafter every action or proceeding to change or modify any final order, judgment or decree heretofore or hereafter made and entered in any divorce action or proceeding in relation to the care, custody or control, or the support and maintenance, of the minor child or children of the marriage shall be brought in the county where said minor child or children affected are then residing,

Change of order, judgment or decree relative to children.

or in the county where the parent or other person who has the care, custody or control of the said minor child or children affected is then residing.

Section 995-3. Upon the filing of a properly verified petition, to be entitled as in the original divorce action or proceedings, together with a certified copy of the order, judgment or decree sought to be changed or 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.

Hearing on petition.

Section 995-4. The court shall have power to cause either party to said action or proceeding to file 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 make and enter all necessary or proper orders for a full hearing and determination of said petition.

Filing of records and files in original action.

Section 995-5. Upon a full hearing and determination of said petition the court shall make and enter such order, judgment or decree in said cause as the evidence and the law requires; a certified copy of such order, judgment or decree to be filed and entered in the county wherein said original divorce action or proceeding was had within thirty days thereof.

Filing of order, etc., in county of the original action.

SEC. 5. Sections 991, 992 and 993 of Remington & Ballinger's Annotated Codes and Statutes of Washington (being Sections 7514, 7515 and 7516 of Pierce's Washington Code) are hereby repealed.

Repealing clause.

Passed the House, March 1, 1921.

Passed the Senate, March 9, 1921.

Approved by the Governor March 17, 1921.

## CHAPTER 110.

[S. B. 238.]

REFUNDS AND OVERCHARGES BY PUBLIC SERVICE  
COMPANIES.

AN ACT relating to refunds of overcharges made by public service companies, as defined in chapter 117 of the Laws of 1911, and declaring that this act shall take effect immediately.

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

Powers and  
duties of di-  
rector of  
public works.

SECTION 1. That the director of public works shall have power and it shall be his duty, upon complaint in writing being made to him, to determine the amount of overcharge made and refund due in all cases where any public service company, as defined in chapter 117 of the Laws of 1911, charges an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, or which may thereafter be declared to be the legal rate which should have been applied to the service rendered, and to determine to whom the overcharge should be paid: *Provided*, That this act shall not apply to controversies arising in relation to contracts in existence prior to the taking effect of said chapter 117 of the Laws of 1911.

Judgment  
for over-  
charge.

SEC. 2. Upon determining the amount of overcharge due from any such public service company, the director of public works may, if he deem it necessary to insure the prompt payment of the same to him, render judgment against such public service company for the amount of such overcharge. From and after the time that a transcript of said judgment is filed with and recorded and indexed by the county auditor as instruments relating to real and personal property are filed, recorded and indexed, it shall be a lien against all real and personal property of such public service company located in the county

in which such transcript is filed, recorded and indexed. Such judgment may be enforced by execution and sale through the sheriff of any county in which is found any real or personal property belonging to such public service company, said execution to be delivered to the sheriff by the director of public works and the execution to be levied and the sale made by the sheriff in the same manner as levies and sales are made on judgments of the superior court.

Collection.

SEC. 3. All refunds collected by the director of public works under this act shall immediately be paid to the person, firm or corporation entitled thereto less a fee of ten per cent on the amount collected, which shall be charged by the director of public works, deducted by him and paid into the public service revolving fund of the state treasury.

Payment of  
refunds col-  
lected.

SEC. 4. All refunds collected by the director of public works and which at the expiration of two years are unclaimed, or which he is unable to deliver to the person entitled thereto, shall be paid by the director of public works into the public service revolving fund of the state treasury.

Unclaimed  
refunds.

SEC. 5. The director of public works shall have power to make rules and regulations for carrying out the provisions of this act.

Rules and  
regulations.

SEC. 6. Hearings to determine the amount of any refund due under this act shall be held in the same manner, the same procedure followed, and judgments and orders subject to review and appeal in the courts as is provided for hearings, procedure, reviews and appeals in matters before the public service commission of Washington under the provisions of chapter 117 of the Laws of 1911.

Hearings  
and proced-  
ure.

SEC. 7. The public service commission of Washington shall exercise all the powers and perform all the duties by this act vested in, and required to be performed by the director of public works, until such

Powers and  
duties con-  
ferred.

time as such officer shall be appointed, qualify, assume and exercise the duties of his office.

Emergency. SEC. 8. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 17, 1921.

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## CHAPTER 111.

[H. B. 160.]

### TRANSPORTATION BY MOTOR VEHICLES.

AN ACT providing for the additional supervision and regulation of the transportation of persons, and property for compensation over any public highway by motor propelled vehicle: Defining transportation companies and providing for additional supervision and regulation thereof by the public service commission, providing for the enforcement of the provisions of this act and for the punishment of the violations thereof.

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

Definitions. SECTION 1. (a) The term "Corporation" when used in this act means a corporation, company, association, or joint stock association.

(b) The term "person" when used in this act means an individual, a firm or a co-partnership.

(c) The term "Commission" when used in this act means the Public Service Commission of the State of Washington, or the Director of Public Works or such other board or body as may succeed to the powers and duties now held by the Public Service Commission.

(d) The term "Auto transportation company" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees

appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and, or, property for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "auto transportation company," as used in this act, shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, insofar as they own, control, operate or manage taxicabs, hotel busses, school busses, motor propelled vehicles, operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined.

(e) The term "Public highway" when used in this act means every street, road, or highway in this state.

(f) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the "Commission" thereon shall be final and shall not be subject to review.

SEC. 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any motor propelled vehi-

Compliance  
with act  
necessary.

cle for the transportation of persons, and, or, property, for compensation on any public highway in this state, except in accordance with the provisions of this act.

"Commis-  
sion" to reg-  
ulate auto  
transporta-  
tion.

SEC. 3. The "Commission" of the State of Washington is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every auto transportation company in this state as such to fix, alter and amend just, fair, reasonable and sufficient rates, fares, charges, classifications, rules and regulations of each such auto transportation company; to regulate the accounts, service and safety of operations of each such auto transportation company; to require the filing of annual and other reports and of other data by such auto transportation companies; and to supervise and regulate auto transportation companies in all other matters affecting the relationship between such auto transportation companies and the traveling and shipping public. The Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all such auto transportation companies; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting auto transportation companies.

The Commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder willfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of re-hearing, review and appeal as to such

order of the Commission as is provided for in Section 6 of this act.

SEC. 4. No auto transportation company shall hereafter operate for the transportation of persons and, or, property for compensation between fixed termini or over a regular route in this state, without first having obtained from the Commission under the provisions of this act a certificate declaring that public convenience and necessity require such operation; but a certificate shall be granted when it appears to the satisfaction of the commission that such person, firm or corporation was actually operating in good faith, over the route for which such certificate shall be sought on January 15th, 1921. Any right, privilege, certificate held, owned or obtained by an auto transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Commission. The Commission shall have power, after hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder under this act, only when the existing auto transportation company or companies serving such territory will not provide the same to the satisfaction of the Commission, and in all other cases with or without hearing; to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate to such terms and conditions as, in its judgment, the public convenience and necessity may require.

Certificate  
declaring  
public convenience  
and  
necessity.

SEC. 5. The Commission shall in the granting of certificates to operate any auto transportation company, for transporting persons, and, or, property, for compensation require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability in-

Liability and  
property  
damage in-  
surance.

insurance in the State of Washington or a surety bond of a company licensed to write surety bonds in the State of Washington on each motor propelled vehicle used or to be used in transporting persons, and, or property, for compensation, in the amount of not to exceed \$5,000.00 for any recovery for personal injury by one person and not less than \$10,000.00 and in such additional amount as the Commission shall determine, for all persons receiving personal injury by reason of one act of negligence and not to exceed \$1,000.00 for damage to property of any person other than the assured, and maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used, each policy for liability or property damage insurance or surety bond required herein, shall be filed with the Commission and kept in full force and effect and failure so to do shall be cause for the revocation of the certificate.

Applications,  
complaints,  
hearings, ap-  
peals, etc.

SEC. 6. In all respects in which the Commission has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the superior court filed therewith, appeals or mandate filed with the supreme court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the Public Service Commission law of this state.

Penalty for  
violation.

SEC. 7. Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, director, demand or re-

quirement, or any part of provision thereof, is guilty of a gross misdemeanor and punishable as such.

SEC. 8. Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress. Scope of act.

SEC. 9. Every auto transportation company now operating or which shall hereafter operate in this state shall at the time of the issuance of such certificate, and annually thereafter on or between April 1st and April 15th of each calendar year, pay a minimum fee of \$10.00 for each motor propelled vehicle used by such company for the transportation of persons and if the passenger seating capacity of such vehicle exceeds eight passengers a further fee computed on the basis of fifty cents per passenger for such additional seating capacity shall be paid. For each motor propelled vehicle used by any such company for transporting property for hire every such company shall pay a minimum fee of \$10.00 at the time and in the manner aforesaid, and if the rated capacity of any such vehicle exceeds three tons, an additional fee computed on the basis of \$1.00 for each additional rated ton capacity shall be paid. Fee required.

For each motor propelled vehicle used by any such company for transporting both persons and property simultaneously, the fee shall be computed on the basis of either tonnage or passenger capacity, and the basis which will yield the greater revenue shall apply.

If the certificate herein referred to is issued after the month of April of any year, the fees paid shall be proportionate to the remaining portion of the year ending March 31st, but in no case less than one-fourth the annual fee.

In case of emergency, or unusual temporary demands for transportation, the fees for additional motor propelled vehicles for limited periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

All sums collected hereunder shall be turned over by the Commission to the state treasurer within thirty days after their receipt and by him credited to the public service revolving fund.

Partial in-  
validity.

SEC. 10. If any section, sub-section, sentence, clause or phrase of this act is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portion of this act.

Effect of act.

SEC. 11. This act shall not repeal any of the existing law or laws, relating to motor propelled vehicles, their owners or operators, or requiring compliance with any condition for their operation.

Passed the House, February 26, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 17, 1921.

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## CHAPTER 112.

[H. B. 260.]

### AMENDMENTS TO INSURANCE CODE.

AN ACT relating to insurance and amending title XLV of Remington and Ballinger's Annotated Codes and Statutes of Washington by adding thereto new sections to be known as sections 6059-23, 6059-23A, 6059-23B, 6059-23C, 6059-23D, 6059-23E, 6059-23F, 6059-23G, 6059-23H, 6059-23I, 6059-23J, 6059-23K, 6059-23L, 6059-23M, and 6059-23N.

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

SECTION 1. That title XLV of Remington & Ballinger's Code be amended by adding thereto a new

section to be designated as section 6059-23, to read as follows:

Section 6059-23. The capital stock of every domestic insurance company required to have a capital to the extent of the minimum capital required by law, except as specially authorized or limited by this act, shall be invested and kept invested as follows:

Authorized  
investments  
of minimum  
capital.

(a) In the legally issued bonds, warrants, and securities of the United States, or the District of Columbia, or of any state of the United States, not estimated above their current market value; or,

(b) In the legally issued bonds, warrants, and securities of any county, incorporated city, or incorporated school district in this state, which has not defaulted in the payment of interest on any of its bonds, warrants, or securities within three years, and which shall not be estimated above their par value, or their current market value; or,

(c) In the legally issued notes and bonds secured by mortgages or deeds of trust which shall be first liens on unincumbered real property in this state worth fifty per centum more than the amount loaned thereon, except that assessments and taxes not delinquent, party wall agreements, reservations of minerals, oils, and timber, easements and rights of way for sewer, telephone, telegraph, electric light and power lines, drains, ditches, railroads, etc.; building restrictions common to the community in which the property is located, liens for service and maintenance of water rights where not delinquent, shall not be regarded as incumbrances. However, if under any of such exceptions there is any sum owing but not due or delinquent, the total amount of such sum shall be deducted from the amount which otherwise might be loaned on the property, and the value of any timber or right reserved shall not be included in the appraised value of the property. Where buildings or other improvements constitute a material part of

the value of the mortgaged premises, they shall be kept insured against loss or damage by fire in a reasonable amount for the benefit of the mortgagee; or,

(d) In any security or securities or class of security or securities when approved by the insurance commissioner.

SEC. 2. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23A, to read as follows:

Investments  
of foreign or  
alien com-  
pany.

Section 6059-23A. The capital of every foreign or alien insurance company to the extent of the minimum capital required of a like domestic corporation shall be invested and kept invested in the same class of securities specified for domestic insurance corporations, except that like securities of the home state, or country, of such company may be recognized as legal investments for the amount of the minimum capital required.

SEC. 3. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23B, to read as follows:

Authorized  
investment  
of residue of  
capital and  
surplus.

Section 6059-23B. The residue of the capital and the surplus money and funds of every domestic insurance company over and above the amount of the minimum capital required by law shall be invested in or loaned on the pledge of any of the securities approved for investment of minimum capital, in first liens on real property as provided for in subdivision "(c)" of the provisions for investments of minimum capital stock, except only that the real property may be located in any state of the United States; and when authorized and directed by a majority vote of all the directors or trustees of the company, or by a majority of a board or committee authorized by the charter or by-laws of the company, or by a majority of a committee duly appointed and authorized by the directors or trustees of the company for the

purpose of making investments may be invested in or loaned upon;

(a) The legally issued bonds or warrants of, or local improvements bonds in any solvent municipal corporation, or in the legally issued bonds or securities of any solvent corporation incorporated under the laws of the United States or of any state thereof;

(b) The legally issued bonds of any solvent irrigation district created as by law provided in this state or in any other state of the United States, whose water rights shall have been legally acquired and finally determined and shall be fully adequate to supply sufficient water to properly irrigate all lands within such district, and whose storage reservoirs, canals, ditches, flumes, feeders, machinery, equipment, and other works and improvements shall have been acquired, owned, and constructed and be unincumbered except as to such bond issue, and shall be reasonably adequate to fully supply and properly serve such district, and shall have been so far constructed and completed as to be in regular operation and use and adequately irrigating not less than thirty (30) percentum of the lands within such irrigation district.

SEC. 4. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23C, to read as follows:

Section 6059-23C. The capital or funds of a domestic insurance company shall not, except with the approval of the insurance commissioner, be invested in or loaned upon its own stock or the stock of any other insurance company carrying on the same kind of insurance business except any such company organized under the provisions of section 6059-84 of Remington and Ballinger's Code as amended by chapter 47, Laws of 1919, for the purpose of engaging principally as a fidelity and surety company, may, with the consent of the insurance commissioner,

Investment  
by loan on  
stock of the  
company or  
other com-  
pany in like  
business.

invest such funds in or loan such funds on the stock of any other corporation carrying on the same kind of business outside of but not within the United States: *Provided, however,* That the commissioner in determining the condition of any such corporation so loaning or investing such funds shall not allow as an asset the amount of funds so loaned or invested.

SEC. 5. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23D to read as follows:

Section 6059-23D. Every domestic company organized to make insurance against loss and damage by reason of defective titles to property or incumbrance thereon, shall invest all its capital and funds required for its deposit and reserve in the same kind of security as the capital stock of a domestic insurance company is required by this section to be invested; and the remainder of its capital and funds may be invested in: (a) plant and equipment; (b) stock and bonds of abstract companies when approved by the insurance commissioner; (c) in the same kind of securities as the capital and funds of domestic insurance companies are permitted to be invested.

SEC. 6. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23E, to read as follows:

Section 6059-23E. Every domestic company doing business in other states of the United States or in foreign countries, may invest the funds required to meet its obligations, incurred in such other state or foreign country, and in conformity to the laws thereof, in the same kind of securities of such other state or foreign country that such company is by law allowed to invest in, in this state.

Investments  
by title in-  
surance com-  
pany.

Investments  
by domestic  
company do-  
ing business  
outside state.

SEC. 7. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23F to read as follows:

Section 6059-23F. Any life insurance company may lend a sum not exceeding the legal reserve which it owes, upon any policy upon the pledge to it of said policy and its accumulations as collateral security, but nothing in this section shall be held to authorize one insurance company to obtain by purchase or otherwise, the control of any other insurance company: *Provided*, That a domestic insurance company may, with the approval of the insurance commissioner dispose of its own or acquire all or part of the business, assets, investments, property, or capital stock of another insurance company for the purpose of amalgamation, merger or consolidation.

Loan upon  
pledge of  
policy.

SEC. 8. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23G, to read as follows:

Section 6059-23G. A domestic insurance company may invest in such real property as shall be requisite for its home office, in the transaction of its business and may rent space therein not immediately required for its own use: *Provided*, That no such investment shall be made that will reduce the amount of the surplus assets, exclusive of such investment, to less than fifty per centum of the minimum capital required by law, of such company: *Provided, further*, That no such investment shall be made by a domestic mutual insurance company that will reduce the amount of the surplus assets, exclusive of such investment, of such company to less than fifty thousand dollars.

Investment  
in real prop-  
erty for  
home office.

SEC. 9. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23H, to read as follows:

Section 6059-23H. Except upon the approval of the insurance commissioner, no domestic insurance

Limitations  
upon invest-  
ments of do-  
mestic com-  
panies.

company shall make any investments or loan of its capital, surplus, or reserve to any one person, firm or corporation in excess of ten per centum of the amount of its paid-up capital and surplus, and no loan shall be made for a longer period than one year, which, upon proper showing and security, may be extended not to exceed one year, except that loans on its own policies and loans on improved unincumbered real property may be made for any term.

SEC. 10. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23I, to read as follows:

Section 6059-23I. All investments and loans of the capital and funds of any domestic insurance company, except the amount invested in real estate for its home office, as specially provided for, shall be made and kept invested in and loaned on interest or dividend-bearing securities, whereon default for interest has not been made during three years next prior to the making of such loan, and the regular annual dividends, in the case of investments in stocks, shall have been actually earned and paid out of the net profits of not less than four per centum of the par value of such stock during each of the three years next preceding the time of such investment.

SEC. 11. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23J, to read as follows:

Section 6059-23J. With each investment or loan made of the capital or funds of any domestic insurance company shall be made and signed a written report by the officer, director, trustee, or acting chairman of the committee of directors or trustees making or authorizing such investment or loan on the part of such company, stating the amount so invested or loaned, a brief description of the securities or property in which such investment or loan

Nature of securities forming investment.

Report on each investment or loan.

is made, the reasonable cash market value thereof, and in case of a loan, the rate of interest, and amount of insurance carried to protect the mortgagee, and in case of an investment, the rate of interest or annual dividend earned, and paid during the five years next preceding, the name of the attorney who passes upon such transaction and the substance of his report, or if evidenced by title insurance policy, then the name of the insuring company and the substance of the policy; the amount of the expenses and commission, if any, on such investment or loan, by whom paid and to whom paid; and if any officer, director, or trustee of such insurance company has any direct, indirect, or contingent interest in the securities in which such investment, or on which such loan is made, or in the assets of the business, person, copartnership, or corporation in whose behalf such loan or investment is made, the name of the officer, director, or trustee, and the character and extent of such interest; which report shall be entered or bound in an appropriate record book which shall be at all times open to the inspection of the commissioner or his deputy, and any stockholder of such company.

SEC. 12. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23K, to read as follows:

Section 6059-23K. All investments, loans and deposits of the funds and securities of every domestic insurance company, and all purchases on behalf of every domestic insurance company, and all sales made of the property and effects of such company, shall be made in its corporate name, and no officer, director, or trustee thereof, and no agent, attorney, or member of a committee having any authority in the investment or disposition of its funds, shall accept, except for the company, or be the beneficiary of, either directly or indirectly or

Investments  
in name of  
company.

Benefits to  
members, etc.

remotely, any fee, brokerage, commission, gift, or other consideration for or on account of any loan, deposit purchase, sale, payment, or exchange made by or on behalf of such company, or be pecuniarily interested in any such purchase, sale, loan, or investment, either as borrower, principal, co-principal, agent, attorney, or beneficiary, except that he may procure a loan from such company direct upon approval by two-thirds of the directors and upon deposit of securities provided for in this act.

SEC. 13. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23L, to read as follows:

Authoriza-  
tion for in-  
vestments,  
sales and  
loans by  
directors.

Section 6059-23L. No investment, sale, or loan of any domestic insurance company, except loans on its own policies, shall be made which has not first been authorized by the board of directors, or by a committee thereof charged with the duty of investing or loaning the funds of the company, nor shall any deposit be made in a bank or banking institution, unless such bank has first been approved as a bank of deposit by the board of directors or said committee thereof, and a record of said action made.

SEC. 14. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23M, to read as follows:

Value of  
bonds, etc.,  
held by com-  
pany.

Section 6059-23M. All bonds or other evidence of debt having a fixed term and rate held by any insurance company authorized to do business in this state may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made: *Provided*, That the purchase price shall in no case be taken at a higher figure than the actual market value

at the time of purchase: *And provided, further,* That the insurance commissioner shall have full discretion in determining the method of calculating values according to the foregoing rule.

SEC. 15. That title XLV of Rem. & Bal. Code be amended by adding thereto a new section to be designated as section 6059-23N, to read as follows:

Section 6059-23N. Every domestic insurance company shall have the right to acquire title to any property under the condition of any mortgage owned by it, or by purchase, or set-off on execution upon judgment for debts due it previously contracted in the course of its business, or by any process in settlement for debts; if such company acquired title to or lien upon any property or securities which it may not otherwise invest in, or loan its funds upon, such company shall dispose of all such personal property within one year, and real property within three years from the time of acquiring same, and the commissioner, upon proper showing and application, may extend such period a reasonable time: *Provided, however,* That any such company which has acquired real property in any manner which it is unable to sell advantageously may, with the consent of the insurance commissioner, exchange such property for other real or personal property. Any property acquired as a result of such exchange may be held for the length of time permitted by the insurance code, sold for cash, or in turn exchanged for other property, with the consent of the insurance commissioner.

Time for disposal of property acquired in course of business.

Passed the House, March 1, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 17, 1921.

CHAPTER 113.

[S. B. 239.]

PUBLIC SERVICE.

AN ACT requiring the payment of certain fees by individuals, firms, companies and corporations furnishing public service, and providing penalties for violation.

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

SECTION 1. That hereafter every person, firm, company and corporation making and filing with the director of public works the annual statement required by section 78 of chapter 117 of the Laws of 1911, shall, at the time of filing such statement, pay to the director of public works, a fee, based on the gross operating revenues as follows:

Payment of fee.

When the annual gross operating revenue of the public utility is \$5,000 and less than \$10,000.....	\$10 00
When the annual gross operating revenue of the public utility is \$10,000 and less than \$25,000.....	20 00
When the annual gross operating revenue of the public utility is \$25,000 and less than \$50,000.....	30 00
When the annual gross operating revenue of the public utility is \$50,000 and less than \$100,000.....	40 00
When the annual gross operating revenue of the public utility is \$100,000 and less than \$250,000.....	50 00
When the annual gross operating revenue of the public utility is \$250,000 and less than \$500,000.....	100 00
When the annual gross operating revenue of the public utility is \$1,000,000 and less than \$2,000,000.....	200 00
When the annual gross operating revenue of the public utility is \$2,000,000 .....	200 00
When the annual gross operating revenue of the public utility is \$2,000,000 and less than \$3,000,000.....	300 00
When the annual gross operating revenue of the public utility is \$3,000,000 and less than \$4,000,000.....	400 00
When the annual gross operating revenue of the public utility is \$4,000,000 and less than \$5,000,000.....	500 00
When the annual gross operating revenue of the public utility is \$5,000,000 or over.....	600 00

Disposition of fees.

SEC. 2. All sums collected by the director of public works under the provisions of this act shall with-

in thirty days after their receipt be paid to the state treasurer, and by him deposited in a fund to be known as the public service revolving fund.

SEC. 3. Every person, firm, company or corporation, or the officers and agents thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor, and in addition thereto shall be subject to a penalty of \$25.00 for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the director of public works in a civil action. All fines and penalties collected under the provisions of this act shall be deposited into the public service revolving fund of the state treasury.

Penalty for failure to pay fees.

SEC. 4. The public service commission of Washington shall exercise all the powers and perform all the duties by this act vested in, and required to be performed by, the director of public works, until such time as said officer shall be appointed, qualified, assume and exercise the duties of his office.

Powers and duties conferred.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 17, 1921.

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## CHAPTER 114.

[S. B. 242.]

### EXERCISE OF POWERS AND DUTIES UNDER ADMINISTRATIVE CODE.

AN ACT relating to the exercise of powers and the performance of duties vested in or imposed upon certain officers, boards, commissions, bureaus, or departments of the state government, subsequent to February 9, 1921.

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

SECTION 1. The exercise of all powers and the performance of all duties which have been, subse-

Powers and duties of abolished offices, etc.

quent to February 9, 1921, vested in or imposed upon any of the officers, boards, commissions, bureaus, or departments of the state government, enumerated in section 135, chapter 7, Laws of 1921, are, at such time or times subsequent to March 31, 1921, as the act or acts so empowering or imposing, might otherwise become effective, hereby conferred and imposed upon the officers, committees, boards, or departments of the state government, created by chapter 7, Laws of 1921, which shall have been, by chapter 7, Laws of 1921, authorized to exercise the powers and perform the duties of the respective officers, boards, commissions, bureaus, and departments of the state government, abolished by chapter 7, Laws of 1921.

Powers and duties of offices created.

SEC. 2. Whenever, subsequent to February 9, 1921, powers and duties have been vested in or imposed upon any officer, board, commission, bureau, or department of the state government other than those specified in section 135 of chapter 7, Laws of 1921, which relate to the performance of the governmental functions which have been transferred to some other officer, committee, board or department of the state government by said chapter 7, such powers and duties shall, from and after the first day of April, 1921, be exercised and performed by the officers, committees, boards, or departments of the state government created by said chapter 7 and to whom such functions have been transferred.

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 Senate March 8, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 17, 1921.

## CHAPTER 115

[H. B. 255.]

ASSOCIATIONS FOR MARKETING AGRICULTURAL  
PRODUCTS.

AN ACT to promote the marketing of agricultural products through cooperation; and the distribution thereof from the producer to the consumer; prescribing the duties of the director of agriculture and the director of taxation and examination in relation thereto; and providing penalties for the violation thereof.

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

SECTION 1 (a) The term "agricultural products" whenever used in this act shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and farm products.

Terms defined.

(b) The term "members" wherever used in this act shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock.

(c) The term "association" wherever used in this act means any corporation organized under this act.

(d) The term "person" wherever used in this act shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed non-profit, inasmuch as they are not organized to make profits for themselves as such, or for their members as such, but only for their members as producers.

This act shall be referred to as the "Co-operative Marketing Act."

SEC. 2. Five (5) or more persons engaged in the production of agricultural products may form a non-profit, co-operative association, with or without capital stock, under the provisions of this act.

Co-operative associations.

Purpose of organization.

SEC. 3 An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping, or utilization thereof, or the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies, or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

Director of agriculture to assist in organization.

SEC. 4. Every group of persons contemplating the organization of an association or corporation under this act shall communicate with the director of agriculture, whose duty it will be to advise with and assist them regarding the manner of organization and the preparation of the marketing contract between the corporation formed or to be formed and the members thereof: *Provided*, That such corporation shall not commence business or solicit members thereof until the form of said marketing contract shall have been approved by the director of agriculture.

Powers of association.

SEC. 5. Each association incorporated under this act shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery, or equipment, or in the financing of any such activities; or in any one or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member.

(b) To borrow money and to make advances to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the associations; and to contract accordingly; and in addition to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition any other rights, powers and privileges granted by the laws of this state to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.

SEC. 6. (a) Under the terms and conditions prescribed in its by-laws, any association may admit as members, or issue common stock only to

Membership  
and stock of  
association.

persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual associate, officer or member thereof, duly authorized in writing.

(c) Any association organized hereunder may become a member or stockholder of any other association or associations organized hereunder.

SEC. 7. Each association formed under this act must prepare and file articles of incorporation, setting forth:

(a) The name of the association.

(b) The purpose for which it is formed.

(c) The place where its principal business will be transacted.

(d) The term for which it is to exist, not exceeding fifty (50) years.

(e) The number of directors thereof, which must not be less than five (5) and may be any number in excess thereof, and the term of office of such directors, which term shall not exceed two years.

(f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the

articles of incorporation shall not be altered, amended, or repealed except by the written consent or the vote of two-thirds of the members.

(g) If organized with capital stock, the amount of such stock and the number of shares into which it is divided and the par value thereof. The capital stock may be divided into preferred and common stock. If so divided, the articles of incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the nature and extent of the preference and privileges granted to each.

(h) The articles must be subscribed by the incorporators and acknowledged by three or more of such incorporators before an officer authorized by the law of this state to take and certify acknowledgements of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this state; and when so filed the said articles of incorporation, or certified copies thereof, shall be received in all the courts of this state and other places, as *prima facie* evidence of the facts contained therein and of the due incorporation of such association.

SEC. 8. The articles of incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by a majority of the directors and then adopted by a vote representing a majority of all the members of the association. Amendments to the articles of incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this state.

Amendments  
of articles  
of incorpora-  
tion.

SEC. 9. Each association incorporated under this act must, within thirty (30) days after its in-

By-laws.

corporation, adopt, for its government and management a code of by-laws not inconsistent with the powers granted by this act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt, alter or amend such by-laws.

Meetings.

SEC. 10. In its by-laws each association shall provide for one or more regular meetings annually. The board of directors shall have the right to call a special meeting at any time, and ten per cent of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting.

Board of directors.

SEC. 11. The affairs of the association shall be managed by a board of not less than five directors, who shall be residents of the State of Washington and who shall be elected by the members or stockholders from their own number. The by-laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the by-laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The by-laws shall provide that primary elections shall be held in each district to select the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the association. The by-laws shall provide that one or more directors shall be appointed by the director of ag-

riculture. The director or directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors, and shall be regarded as representing the interests of the public. An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district. When a vacancy on the board of directors occurs, other than by expiration of term, the remaining members of the board, by a majority vote, shall fill the vacancy, unless the by-laws provide for an election of directors by district. In such a case the board of directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

SEC. 12. The directors shall elect from their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, who need not be directors, and they may combine the two latter offices and designate the combined office as secretary-treasurer. The treasurer may be a bank or any depository, and as such shall not be considered as an officer but as a function of the board of directors. In such case the secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the board of directors.

Officers.

SEC. 13. When a member of an association established without capital stock has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. Except for

Membership,  
liability of.Stock, issue,  
redemption,  
transfer.

debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance on any promissory notes given in payment thereof. No stockholder of a co-operative association shall own more than 1/10 of the issued common stock of the association; and an association in its by-laws may limit the amount of common stock which one member may own to any amount less than one-tenth of the issued common stock. Any association organized with stock under this act may issue preferred stock, with or without the right to vote. No member or stockholder shall be entitled to more than one vote. Such stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the articles of incorporation and printed on the face of the certificate. The by-laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto. The by-laws and the marketing agreement, of the association, may provide for the retiring of the common or preferred stock of the association.

Charges  
against  
officers.

SEC. 14. Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or director and fill the vacancy. The director or of-

ficer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity. In case the by-laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The board of directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of that district, the director in question shall be removed from office.

SEC. 15. The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time not over ten years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members, with or without taking title thereto; and pay over on a proportional basis or otherwise to its members the re-sale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum upon common stock: *Provided*, That the form of such contract shall be approved by the director of agriculture, and shall state the maximum amount of any such reserves to be deducted from the sale price of the products of the members of

Marketing  
contracts.

such association: *Provided further*, That said contract shall contain a date upon which settlement will be made between the association and each of its members for the crop or product marketed by said association during the preceding marketing season, which date shall not be later than July 1st following the year in which any such crop or product has been produced. The by-laws and the marketing contract may fix as liquidated damages specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is legally maintained under the contract by the association; and any such provisions shall be valid and enforceable in the courts of this state. In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

Payment in  
stock.

SEC. 16. Whenever an association organized hereunder with preferred capital stock shall purchase the stock or any property or any interest in any property of any person, firm, or corporation, or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred stock to an amount which at par value would equal a fair market value of the stock or interest so purchased,

as determined by the board of directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

SEC. 17. Each association formed under this act shall prepare and file in the office of the director of agriculture an annual report on forms furnished by the director of agriculture, containing the name of the association, its principal place of business and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operations; the amount of indebtedness or liability, and its balance sheets. An examination and audit of the affairs of all associations incorporated under this act and doing a gross business of at least two hundred thousand dollars (\$200,000) per year, shall be made annually by the department of taxation and examination and at such other times as the director of agriculture may require. The director of taxation and examination is hereby authorized, empowered and directed to cause such examination and audit to be made. One copy of such audit shall be filed with the director of agriculture, one shall be sent to the secretary of the association, one to the president of the association, and another shall be kept in the files of the office of the department. A charge of not more than ten dollars (\$10) per day and expenses for each examiner shall be made to the association to pay the actual expense of making such audit. Associations doing a gross business of less than two hundred thousand dollars (\$200,000) annually shall provide in their by-laws or otherwise for the making and filing of annual audits of their

Annual  
report.

books; provided that upon demand of one tenth of the members of such association said audit shall be made by the department of taxation and examination in the manner provided herein for larger associations.

Violations  
and in-  
solvency.

SEC. 18. If the director of agriculture shall find that any association is operating in violation of law or is insolvent, and after ten days notice has failed or refused to comply with the law, he may by proper proceeding in the superior court of the county where the principal place of business of said association is located, cause a receiver for such association to be appointed, and the affairs of such association immediately liquidated under the direction of said superior court.

Membership  
of associa-  
tion in  
another  
corporation.

SEC. 19. An association may organize, form, operate, own, control, have an interest in, own stock, of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling of the agricultural products handled by the association, or the by-products thereof. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association or to any other person, and such legal warehouse receipts shall be considered as adequate collateral to the extent of the customary percentage of the current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this state or the United States, its warehouse receipt shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

Contracts  
with other  
associations.

SEC. 20. Any association may, upon resolution adopted by its board of directors, enter into all

necessary and proper contracts and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other co-operative corporation, association or associations, formed in this or in any other state, for the co-operative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using, or may separately employ and use the same methods, means and agencies for carrying on and conducting their respective businesses. A duplicate copy of each of the contracts mentioned in this section shall be filed in the office of the director of agriculture immediately after the execution and delivery thereof.

SEC. 21. Any corporation or association organized under previously existing statutes, may by a majority vote of its stockholders or members be brought under the provisions of this act by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors, to the effect that the corporation or association has, by a majority vote of its stockholders or members, decided to accept the benefits and be bound by the provisions of this act. Amendments to articles of incorporation shall be filed as required in sections 4 and 7, except that they shall be signed by the members of the board of directors. The filing fee shall be the same as for filing an amendment to articles of incorporation: *Provided*, That any such corporation or association organized prior to the approval of this act shall be admitted to the benefits hereof, subject to all of the requirements of this act except that the marketing contract between such association and its members need not be approved by the director of agriculture.

Associations  
heretofore  
organized  
may come  
under act.

Voluntary  
dissolution.

SEC. 22. The members of any association may by two-thirds vote of all such members, at any regular meeting or at a meeting regularly called for that purpose, vote to dissolve said association, and thereupon such proceedings shall be had for the dissolution of said association as is provided by law for the dissolution and disincorporation of corporations organized under the general law.

General cor-  
poration  
laws ap-  
plicable.

SEC. 23. The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

Limitations  
on benefits  
of members.

SEC. 23-a. Other than the usual salary or director's fees paid to any officer, director or employee of any association organized, incorporated or re-incorporated and transacting business under this act, and other than a reasonable fee paid by such association to such officer, director or employee for services rendered to such association, no officer, director or employee shall be a beneficiary of or receive, directly or indirectly, any fee, commission, or other consideration for or in connection with any transaction or business of such association: *Provided, however,* That nothing in this act contained shall be construed to prohibit a director, officer or employee who may also be a member of such association from receiving all the ordinary and usual benefits which other members receive. Any officer, director or employee of any such association who violates any of the provisions of this section shall be guilty of a felony.

Penalty for  
false state-  
ments and  
entries.

SEC. 24. Any person who shall knowingly subscribe to, or make any false statement or entry in the books of any association, or who shall knowingly make any false statement in any report required to

be filed with the director of agriculture, or who shall knowingly with intent to deceive, misrepresent the affairs of the association to any person authorized and directed by the department of taxation and examination to examine such associations, shall be guilty of a felony.

SEC. 25. Every officer, director, employee or agent, of any association, who for the purpose of concealing any fact or suppressing any evidence against himself or against any person, shall abstract, remove, mutilate, destroy, or secrete any paper, book, or record of any association, or of the department of agriculture, shall be guilty of a felony.

Penalty for removal or destruction of papers or records.

SEC. 26. The director of agriculture may maintain an action in his own name for the use of any association upon any unpaid contract of subscription to the capital stock of such association, or upon any promissory note given to such association in payment thereof, or to cancel any stock issued by it in violation of law.

Action for unpaid stock subscription.

SEC. 27. It shall be the duty of the attorney general to appear and act for the director of agriculture in all actions or proceedings involving any question under this act.

Duties of attorney general.

SEC. 28. Every order, decision or other official act of the Director of Agriculture shall be subject to review, and any party aggrieved by such order, decision or act of the Director of Agriculture may appeal therefrom to the superior court of the county of Thurston by serving upon the Director of Agriculture a notice of such appeal, specifying the order, decision or act appealed from, and filing the same with the clerk of the superior court of the county of Thurston within sixty days after the date of such order, decision or official act. Whereupon the Director of Agriculture shall, within ten days after filing of such notice of appeal, make

Appeals from action of director of agriculture.

and certify a transcript of all the records and papers on file in his office affecting or relating to the order, decision or act appealed from, and upon the payment of the fee therefor by the appellant, the Director of Agriculture shall file the same in the office of the clerk of said superior court. Upon the hearing of such appeal the burden of proof shall be upon the appellant, and the court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the action of the Director of Agriculture from which appeal is taken. Any party to such appeal to the superior court who is aggrieved by the judgment of said court rendered upon such appeal may prosecute an appeal to the supreme court of the State of Washington. The general laws relating to bills of exception, statements of fact and appeals to the supreme court, shall apply to all appeals taken to the supreme court under this act: *Provided*, That no supersedeas of the judgment of the superior court shall be allowed, except at the discretion of said superior court. If supersedeas is allowed, it shall be upon such bond and with such condition as the superior court may require by its order.

Annual  
license fee.

SEC. 29. Each association organized hereunder shall pay an annual license fee of fifteen dollars (\$15), but shall be exempt from all franchise or license taxes.

Fees for filing  
articles  
of incorporation.

SEC. 30. For filing articles of incorporation an association organized hereunder shall pay twenty-five dollars (\$25), and for filing an amendment to the articles ten dollars (\$10).

Partial  
validity.

SEC. 31. If any section of this act shall be declared unconstitutional for any reason, the remainder of the act shall not be affected thereby.

Passed the House March 2, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 18, 1921.

## CHAPTER 116.

[S. B. 74.]

NOMINATION AND ELECTION OF SUPERIOR COURT  
AND SUPREME COURT JUDGES.

AN ACT relating to the nomination and election of superior court and supreme court judges, and amending section 4842 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4842 of Rem. & Bal. Code be amended to read as follows:

Section 4842. When there are to be elected at any general election one or more judges of the supreme court, the candidates for each respective office whose names are to be placed on the general election ticket shall be determined as follows: The number of candidates equaling the number of judicial positions to be filled who receive the highest number of votes at the primary election, and an equal number of candidates for such positions, providing there are such candidates, who receive the next highest number of votes, shall be the candidates for such respective offices and their names shall appear on the general election ballot under the designation of such respective offices: *Provided, however,* That where any candidate for any such office shall receive a majority of all votes cast at such primary election for such office, the name or names of such candidates receiving such majority shall be printed separately on the general election ballot, under the designation "Vote for.....," and the name or names of no opposing candidate or candidates shall be printed on such ballot in opposition to such candidate or candidates, but spaces equaling the number of such majority candi-

Manner of  
nomination  
and election.

dates shall be left following such name or names, in which the voter may insert the name of any person for whom he wishes to cast his ballot. Following the names of such majority candidates, under the designation "Vote for . . . . .", the names of the minority candidates who have received the highest number of votes at the primary election equal to twice the number of the remaining places to be filled shall be printed: *Provided further*, That the secretary of state, in certifying to the several county auditors of the state the names of candidates for judges of the supreme court shall specify the names of those who have received a majority vote at such primary election, together with the names of the minority candidates who are entitled to have their names placed upon the official ballot. For the purpose of determining whether any candidate or candidates shall have received a majority of the votes cast under the provisions of this section the number of votes cast shall be determined by adding together the number of votes cast for each candidate and dividing the sum of such votes by the number of positions to be filled, and any candidate who receives a number of votes in excess of one-half of the votes cast as thus determined shall be deemed to have received a majority of the votes cast. If it shall appear that a number of candidates in excess of the number of positions to be filled shall have received a majority of votes cast, then there shall be printed upon the ballot only the names of the candidates who received the highest number of votes and equal to the number of places to be filled. Where a vacancy or other cause shall necessitate the election of a judge of the supreme court for a short term, and at the same election one or more judges are to be elected for the full term candidates may announce themselves for either the short or full

term, and the ballots shall be arranged accordingly. Where there are to be elected at any general election one or more judges of the superior court of any county or judicial district the candidates for each respective office whose names are to be placed on the general election ticket shall be determined as follows: Not less than ten days before the time for filing declaration of candidacy, the secretary of state or the county auditor, as the case may be, shall designate by number each position to be filled upon the superior court of the county or judicial district. Each candidate at the time of the filing of his declaration of candidacy shall designate by the number so assigned, the position for which he is a candidate and the name of such candidate shall appear on the ballot only for such position. The name of the person who received the greatest number of votes and of the person who received the next greatest number of votes for each position, shall appear on the general election ballot under the designation for each such respective office: *Provided, however,* That where any candidate for such office shall receive a majority of all votes cast at such primary election for such office, the name of such candidate receiving such majority shall be printed separately on the general election ballot under the designation "Vote for One" and the name of no opposing candidate shall be printed on such ballot in opposition to such candidate, but one space shall be left following such name in which the voter may insert the name of any person for whom he wishes to cast his ballot. The names of all such candidates for such judicial offices shall appear on the general election ballot under the heading "Judicial ticket." There shall be a separate ballot for the candidates for nomination for such judicial offices, for use in the primary election, and such ballots shall be printed, delivered, voted and

counted as hereinbefore provided for the general primary election ballot: *Provided*, That any voter shall have the privilege of voting this ticket alone. The form of said ballot shall be substantially as follows:

JUDICIAL ELECTION BALLOT

To vote for a person make a cross (X) in the square at the *right* of the name of the person for whom you desire to vote.

Judges of Supreme  
Court.

Judges of Superior  
Court.

Vote for.....

.....to be nominated.

1.	
VOTE FOR ONE.	
2.	
VOTE FOR ONE.	
3.	
VOTE FOR ONE.	

Passed the Senate March 4, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 18, 1921.

## CHAPTER 117.

[S. B. 79.]

LIST OF PERSONAL PROPERTY TAX TO ATTACH TO  
PROCEEDS OF FIRE INSURANCE.

AN ACT relating to the taxation of personal property, providing that the lien of such tax shall follow the proceeds of any insurance upon such property destroyed by fire, and amending section 9223-1 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 9223-1 of Rem. & Bal. Code be amended to read as follows:

Section 9223-1. In the event of the destruction of personal property by fire after the fifteenth day of March of any year, the lien of the personal property tax shall attach to and follow any insurance that may be upon said property and the insurer shall pay to the county treasurer from the said insurance money all taxes, interest and costs that may be due, against the identical property so destroyed. Lien created.

Passed the Senate February 17, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 18, 1921.

## CHAPTER 118.

[S. B. 61.]

LEASING OF FIRST CLASS TIDE AND SHORE LANDS  
FOR BOOMING PURPOSES.

AN ACT providing for the leasing of unplatted tide or shore lands of the first class to the abutting upland owner, and for booming purposes.

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

SECTION 1. The Commissioner of Public Lands is hereby authorized to lease to the abutting upland Authoriza-  
tion for.

owner any unplatted tide or shore lands within or in front of the limits of any incorporated city or town, or within two miles thereof on either side: *Provided*, That any such unplatted tide or shore lands, for which no application to lease has been filed by the upland owner, may be leased to any person, firm or corporation for booming purposes: *Provided, further*, That no unplatted tide or shore lands situated in front of improved upland occupied for residential purposes shall be leased for booming purposes.

Term and  
termination.

SEC. 2. Any lease under this act shall not be granted for a longer term than ten (10) years from the date thereof and shall be subject to termination upon a ninety (90) day notice in the event that the Commissioner of Public Lands shall decide that said tide or shore lands are to be surveyed and platted. The Commissioner of Public Lands shall, prior to the issuance of any such lease, fix an annual rental for the lands so leased and prescribe the terms and conditions of said lease. Failure to use any of such lands leased for booming purposes under the provisions of this act, for boom purposes, for a period of more than one (1) year shall work a forfeiture of such lease and such land shall revert to the state without any notice or declaration of forfeiture.

Passed the Senate March 4, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 18, 1921.

## CHAPTER 119.

[S. B. 81.]

## ATTORNEY GENERAL.

AN ACT relating to the powers and duties of the attorney general, and amending section 9035 of Remington & Ballinger's Annotated Codes and Statutes of Washington, (Sec. 6576 Pierce's Washington Code).

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

SECTION 1. That section 6576, Pierce's Code, 9035 of Rem. & Bal. Code, be amended to read as follows:

Section 6576. The attorney general shall execute a bond to the State of Washington in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys as provided by law which bond shall be forthwith deposited with the secretary of state. The attorney general shall have power to appoint necessary assistants who shall hold office at his pleasure and who shall have the power to perform any act which the attorney general is authorized by law to perform.

Bond of

Assistants.

Passed the Senate February 4, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 18, 1921.

## CHAPTER 120.

[S. B. 78.]

## REGULATING PRACTICE OF CHIROPODY.

AN ACT relating to the practice of chiropody, providing for the suspension and renewal of certificates to practice chiropody, extending the right to practice to practitioners of other states, amending sections 1, 4, 6, 7, 9, 10, and 17 of chapter 38 of the Laws of 1917, and adding thereto new sections to be known as sections 22, 23, and 24.

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

SECTION 1. That section 1 of chapter 38 of the Laws of 1917 be amended to read as follows:

Section 1. For the purpose of this act the practice of chiropody is defined to be the surgical, mechanical and medical treatment of bunions, corns, abnormal nails, warts, callouses and all superficial excrescences; but shall not include surgical operations upon the feet for congenital or acquired deformities or conditions, requiring the use of anaesthetics other than local, nor shall it include amputations.

Chiropody  
defined.

SEC. 2. That section 4 of chapter 38 of the Laws of 1917 be amended to read as follows:

Section 4. The state board of chiropody shall as herein provided examine applicants for licenses to practice chiropody and said board shall have the power to make such rules and regulations as may be necessary to properly conduct such examinations, such examinations to relate only to the following subjects: Anatomy, physiology, pathology, bacteriology, chemistry, therapeutics, clinical chiropody, asepsis, diagnosis and treatment. Not less than ten questions on each subject may be given, and all such examinations shall be conducted in the English language written, oral and clinical. The board shall

Examination  
of applicants.

make and preserve a complete record of all its transactions.

SEC. 3. That section 6 of chapter 38 of the Laws of 1917 be amended to read as follows:

Section 6. Before any person shall be permitted to take an examination for the issuance of a license under the provisions of this act he or she shall file an application on a form to be prepared and furnished by the state board of chiropody, signed and verified by the applicant, showing that he or she is more than twenty-one years of age, and has obtained a preliminary education which is equivalent to a four years instruction in a high school or its equivalent, and such applicant must be a graduate with at least two years' attendance of a legally incorporated and recognized school of chiropody, and shall file a certificate signed by two licensed physicians of this state to the effect that they are acquainted with the applicant and believe him or her to be a person of good moral character. All licenses issued under the provisions of this act, whether with or without examination, shall be identical in form, and shall be numbered and recorded in the book kept for that purpose by the secretary of the state board of chiropody, and shall be signed by the president of said board, and attested by the secretary under the official seal of the board.

Application  
for license.

SEC. 4. That section 7 of chapter 38 of the Laws of 1917 be amended to read as follows:

Section 7. An applicant who fails to pass an examination satisfactory to the board, and is therefore refused registration, shall be entitled, at the expiration of six months from the date of the examination at which he failed, to a re-examination at a meeting of the board called for the examination of applicants, upon the payment of a fee of fifteen dollars (\$15.00) for each such re-examination.

Re-examina-  
tions.

SEC. 5. That section 9 of chapter 38 of the Laws of 1917 be amended to read as follows:

Section 9. Every applicant for a license to practice chiropody shall pay to the secretary of the state board of chiropody, for the use of the state, the sum of thirty-five dollars (\$35.00) and a renewal for each year of three dollars (\$3.00).

License fee.

SEC. 6. That section 10 of chapter 38 of the Laws of 1917 be amended to read as follows:

Evidence of practice of chiropody.

Section 10. It shall be deemed *prima facie* evidence of the practice of chiropody or as holding himself out as a practitioner of chiropody within the meaning of this act for any person to treat in any manner the human foot by medical, surgical or mechanical means or appliances, or to use the title "chiropodist" or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself out to treat, is a chiropodist.

SEC. 7. That section 17 of chapter 38 of the Laws of 1917 be amended to read as follows:

Office requirements.

Section 17. Every person practicing chiropody in this state shall maintain an office for the treatment of patients, which office shall be kept in a clean and sanitary condition and equipped with the proper facilities for sterilizing all instruments, and no instrument of any kind shall be used on any person before it has been thoroughly sterilized.

SEC. 8. That there be added to chapter 38 of the Laws of 1917 a new section to be designated as section 22 and to read as follows:

Suspension of certificate for misconduct.

Section 22. The board may suspend any certificate granted under this act for a period not exceeding six months, on account of misconduct on the part of the person registered which would not in the judg-

ment of the board justify the revocation of his or her certificate.

SEC. 9. That there be added to chapter 38 of the Laws of 1917 a new section to be designated as section 23 and to read as follows:

Section 23. Any license provided for in this act that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

Renewal of  
lapsed  
license.

SEC. 10. That there be added to chapter 38 of the Laws of 1917 a new section to be designated as section 24 and to read as follows:

Section 24. Applicants registered or certified by examiners of other states where requirements are equal to those of this state may, upon the payment of a fee of thirty-five dollars (\$35.00), be granted a certificate without examination: *Provided, however,* That the provisions of this section shall be extended only to those states which extend to this state the same privilege.

Applicants of  
other states.

Passed the Senate February 17, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 18, 1921.

CHAPTER 121.

[S. B. 62.]

WASHINGTON CROP CREDIT ACT.

AN ACT relating to rural credits and agricultural co-operation providing for the organization and regulation of crop credit associations; the duties of the director of marketing in relation thereto, and prescribing penalties for the violation of the provisions hereof.

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

Title.

SECTION 1. This act shall be known and may be cited as the "Washington Crop Credit Act."

Purpose of act.

SEC. 2. The purpose of this act is to promote the orderly marketing of standard crops grown in the State of Washington by providing credit facilities whereby the growers thereof may finance the harvesting, storing and marketing of same.

Requirements for association.

SEC. 3. Any number of *bona fide* growers of standard crops in the State of Washington, not less than ten, may associate themselves together to form a crop credit association in the manner hereinafter provided. The term "standard crops" as herein used means wheat, hay, apples, potatoes, and such other crops as the director of marketing of the State of Washington shall hereafter designate.

Classification of associations.

SEC. 4. Such crop credit associations shall be divided into two classes:

(a) Temporary Crop Credit Associations, which shall exist for one year and for the purpose of establishing credit facilities for the handling of one crop.

(b) Permanent Crop Credit Associations, which may incorporate for a term not exceeding fifty years, with such powers and privileges as are hereinafter set forth or may be conferred thereon by law.

Supervision.

SEC. 5. The director of farm marketing of the State of Washington shall have general charge and

supervision of all such crop credit associations as herein provided. Before beginning his duties as the director of crop credit associations he shall make and file in the office of the secretary of state a bond in the penal sum of five thousand dollars (\$5,000.00), to be approved by the secretary of state, conditioned upon the faithful discharge of his duties as such director of crop credit associations. The word "director" wherever it shall hereafter appear in this act shall mean the director of farm marketing of the State of Washington.

SEC. 6. Any qualified persons desiring to form a crop credit association as herein provided shall execute in quadruplicate and acknowledge before some officer authorized to take the acknowledgment of deeds articles of association, one copy of which shall be filed in the office of the director, one copy in the office of the secretary of state of the State of Washington, one copy in the office of the county auditor of the county where the principal place of business of such association is located, and one copy shall be kept as part of the permanent records and files of such association.

Articles of  
association.

SEC. 7. If such association is to be a temporary association, said articles shall state the name of the association, its principal place of business, the amount of the membership fee to be charged and the amount of credit in the aggregate which it is estimated its members will require. In addition thereto, the organizers of such association shall file the application for a permit to transact business as hereinafter more fully set forth. The organizers of such temporary organization shall also pay to the director a fee of five dollars (\$5.00), and to the secretary of state of Washington a fee of ten dollars (\$10.00).

Temporary  
association  
articles.

Permanent  
association  
articles.

SEC. 8. The organizers of a permanent crop credit association shall likewise execute in quadruplicate and file as above provided original copies of proposed articles of association therefor. Said articles of association shall set forth:

(a) The name of the association which shall contain the words "Crop Credit Association".

(b) Its principal place of business.

(c) The term for which it is to exist, which shall not exceed fifty years.

(d) The amount of membership fees required of its members, not to exceed one hundred dollars (\$100.00) each.

(e) The business desired to be transacted by said association, if any, in addition to the powers and privileges hereinafter set forth.

Issue of  
certificate.

SEC. 9. If the director shall be convinced that there is a need for the proposed crop credit association and that the business which it is to do, as shown by said articles of association, is in accordance with the provisions of this act, he shall issue a certificate authorizing the filing of the said articles of association in the office of the secretary of state of Washington and in the office of the county auditor of the county wherein is located the principal place of business of said association.

Filing fee.

SEC. 10. The organizers of any permanent crop credit association shall pay the following filing and license fees: To the director, ten dollars (\$10.00); to the secretary of state, fifteen dollars (\$15.00), and the annual license fee required of corporations to be collected by the secretary of state as in the case of other corporations; and thereafter said association shall pay to the secretary of state, annually on or before the first day of July, a license fee of fifteen dollars (\$15.00).

SEC. 11. Upon the issuance of said certificate of <sup>Powers.</sup> authority by the director and the issuance of a license by the secretary of state, every such association shall be a body corporate and politic in fact and in name, by the name stated in the articles of association, and shall have power:

(1) To sue and be sued in any court having competent jurisdiction.

(2) To make and use a common seal.

(3) To purchase, hold, own, mortgage, sell and convey real and personal property to borrow money as shall be necessary for the needs of said corporation and to lend same, or any part thereof, or any of the funds of the association to its members upon such security, real or personal, as it shall require; and to execute, as evidence of money borrowed, any and all forms of notes, bonds, debentures and certificates, and secure same by the execution of any mortgage, lien, deed of trust or the surrender of any property owned or held by it, and to pay, cancel, satisfy and renew the same, and to receive any of the above evidences of indebtedness and securities for money loaned.

(4) To engage in the warehouse and storage business for the benefit of its members, and to handle, prepare for market, store, ship and sell all agricultural crops for or on account of its members, and to charge and receive compensation for any such service.

(5) To appoint such officers, agents and servants as the business of the corporation shall require, to define their powers, prescribe their duties, and fix their compensation.

(6) To require of them such security as may be thought proper for the fulfillment of their duties and to remove them at will; except that no trustee shall

be removed from office unless by vote of a majority of the members thereof.

(7) To make by-laws not inconsistent with the laws of this state or of the United States.

(8) To manage its property, to regulate its affairs, to provide for the transfer of membership therein, and to carry on all kinds of business within the objects and purposes of said association as expressed in the articles of said association or contained in this act.

(9) To act as broker for its members in disposing or selling of their crops, and to advance and lend money to any such member on the security of such crops or such other security, real or personal, as it may require.

(10) To hold, own and vote stock or other evidence of ownership in any other co-operative association or corporation.

(11) To buy, sell and deal in and to procure for its members such supplies as shall be necessary or useful in and about the growing, harvesting and marketing of any agricultural crop grown or to be grown by them.

Restrictions.

SEC. 12. No crop credit association shall engage in the business of buying or selling for its own account, directly or indirectly, any crop grown, raised or produced by its members, or others, but such association may be and act as broker, as in this act provided, for the sale of the crops of its members. None of the funds or assets of any such association shall ever be used for or expended in and about the business of buying, selling or dealing in any such crops.

By-laws.

SEC. 13. The organizers of every crop credit association shall, before it commences business, adopt by-laws for the government of said association, in which provision shall be made for the admission of members thereto; the terms of admission,

lapsation and expulsion, and the membership fee of not to exceed one hundred dollars (\$100.00) which shall be required from each member. Upon the full payment of any such membership fee the association shall issue a certificate of membership which shall be transferable only to bona fide growers of standard farm crops under such conditions and regulations as shall be provided in such by-laws. No person shall become a member of any crop credit association who is not, at the time of becoming such member, a bona fide grower of standard farm crops in the state of Washington. Such by-laws shall also contain rules and regulations for the proper and orderly government of such association and the exercise of its lawful powers. Every association shall submit its proposed by-laws to the director for his approval that the government of all crop credit associations in the state of Washington shall be uniform. If said by-laws are not approved by the said director, the same shall be suspended by his order until by-laws approved by him shall be adopted by such crop credit association.

SEC. 14. Such association shall be managed by a board of not less than three trustees. The trustees shall be elected by and from the members of the association at such time and for such term of office as the by-laws may prescribe and shall hold office during the term for which they are elected and until their successors are elected and qualified; but a majority of the members shall have the power, at any regular or special meeting legally called for that purpose, to remove any trustee or officer for cause, and fill the vacancy. The officers of every such association shall be a president, vice-president, secretary and treasurer, who shall be elected by the trustees. Each of said officers must be a member of the association. All

Board of  
trustees and  
officers.

elections shall be by ballot. Each member of the association shall be entitled to one vote only.

Loans and securities.

SEC 15. Any crop credit association organized under the provisions of this act shall have authority to make loans to its members, in accordance with their credit needs, not to exceed  $66\frac{2}{3}\%$  of the fair market value of the standard farm crops grown by such member, and in turn may mortgage, transfer or hypothecate the said crops as direct or collateral security for the borrowing of money necessary to make such advances and loans to its members. Each loan by the association to its members shall be evidenced by the negotiable promissory note of the member borrower in an amount exceeding the credit extended to such member by 10%, with interest at a rate fixed by the association and maturing at least fifteen days prior to the maturity of the crop credit notes herein provided for, which note shall be secured by a negotiable warehouse receipt covering said standard agricultural product; a policy of insurance against loss by fire, and a certificate of inspection by the proper authority of the state of Washington as to the quality and variety of the farm product offered as such security. All such crops so offered as security for such loans must be free and clear of all incumbrances, except inspection, warehouse and insurance charges accruing against same: *Provided*, That when the standard crop used as the basis of credit is wheat, 75% of the fair market value may be loaned thereon and no certificate of inspection thereof shall be required.

Application for issue of crop credit notes of association.

SEC. 16. Every crop credit association which shall desire to issue its notes or commercial paper, secured by the crops of its members as hereinabove provided, shall make application to the director for authority to issue crop credit notes of the associa-

tion, which application shall be made upon blanks furnished for that purpose by said director and shall show:

(1) The name and place of business of the association making such application.

(2) The kind of standard farm crop to be used by it for credit purposes, and only one standard farm crop shall be used for each issue of crop credit notes.

(3) The estimated quantity and quality of the crop to be so used.

(4) The estimated amount of money desired to be borrowed against any such crop.

(5) The period of credit desired, not to exceed six months.

(6) The estimated number of growers of such standard crop.

(7) The name of the trustee.

Said application shall be signed by the president and secretary of such association and attested by its seal, and shall be accompanied by a fee of five dollars (\$5.00).

SEC. 17. Upon the receipt of said application and the filing fee by the director he shall cause investigation thereof to be made covering the information contained in such application, and if he finds the said application in all respects in accordance with this act, he shall issue a certificate of authority to the trustee named in said application, in which certificate shall be stated a fair price for credit purposes of the farm crops mentioned in said application, to be used as the basis of credit in the issue of crop credit notes. Said fair price shall be determined by said director from any and all information obtained by him with reference to the particular farm crop, covering the condition of the markets in the United States and elsewhere; the visible supply of such product and the kind, quality and condition of same.

Action on application.

Said fair price shall not be considered as in any manner fixing the price at which said products may or shall be bought or sold, but same shall be fixed only for the purpose of further assuring the purchasers of any securities or paper issued on the basis of the credit of such farm crop.

Security for  
crop credit  
notes.

SEC. 18. Upon the issuance of said certificate of authority to the trustee named in any such application, said trustee shall immediately so inform the officers of the association making such application. The association shall thereupon forthwith deliver to the said trustee all notes, warehouse receipts, securities, insurance policies and certificates of inspection held by it or which shall be required by the director as security for the proposed issue of crop credit notes, and shall convey full title of all property and securities represented by any evidence of indebtedness or constituting a lien thereon to the said trustee, to be by said trustee used as the security for the issuance of the proposed crop credit notes by said association.

Notes, issue  
and pay-  
ment.

SEC. 19. Thereupon said crop credit association may issue, under the seal and signed by the president and secretary of such association, crop credit notes in the aggregate not to exceed the amount of such issue of notes stated in the certificate of authority of the director to the trustee. Said notes shall be in denominations of not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00), payable at a fixed period of maturity, not to exceed six months from the date of the certificate of authority, as shall be determined by the said board of trustees. Said notes shall thereupon be delivered to said trustee, who shall countersign same and deliver them at such times and in such amounts and at such discount as shall be determined by the board of trustees by resolution entered upon the minutes of their pro-

ceedings. Said notes shall contain the number of the certificate of authority and the date of issuance thereof, together with the facsimile signature of the director and a series number, and shall state the kind of standard crop held by said trustee as security therefor, and shall otherwise be in such form as the director shall prescribe.

SEC. 20. Said trustee shall deliver said notes, properly countersigned, and receive the proceeds of the sale thereof, which proceeds shall be by said trustee immediately distributed to the members of said association in accordance with their credit requirements as shown by a schedule signed by the officers of said association and filed with the trustee showing the name and address of each member borrower, the kind, quantity and value of the crop pledged by him as security for his loan, and the amount borrowed thereon, less a brokerage charge of not to exceed two per cent (2%) thereof for the use of the association as determined by its trustees.

Distribution  
of proceeds  
of notes.

SEC. 21. The trustee holding the said securities herein provided shall be entitled, as compensation for all of its services rendered under this act, to a fee not to exceed one per cent (1%) of the par value of the notes issued by it where such issue shall be fifty thousand dollars (\$50,000.00) or less, and not to exceed one-half of one per cent for any such issue of more than fifty thousand dollars (\$50,000.00), payable from the brokerage charged by the association, as shall be agreed between the association and said trustee, which agreement shall be approved by the director.

Compensa-  
tion of  
trustee hold-  
ing securi-  
ties.

SEC. 22. All such crop credit notes shall be general obligations of the crop credit association issuing same and shall be secured by the entire number of collateral notes of the members of said association,

Notes, gen-  
eral obliga-  
tion.

participating in such issue, deposited with said trustee.

Members' indebtedness, collection and disposition of.

SEC. 23. Upon maturity of the notes evidencing the members' indebtedness to the association, the said trustee shall collect and place same in a fund for the retirement of said crop credit notes. Upon the collection of said indebtedness, which shall include the ten per cent (10%) excess, as hereinbefore provided, any and all warehouse receipts, insurance policies, certificates of inspection, or other security deposited for the security of the indebtedness of said member, shall be delivered to the said member or to his order. The funds so repaid by the members of the association, upon the order of the trustees of such association may be used for the immediate retirement of any outstanding crop credit notes of said issue, at a price not to exceed the face value of such crop credit notes. All members' notes, money, certificates and securities remaining in the hands of said trustee, after permission given it by the director, shall be returned to the crop credit association issuing same, which association shall collect as quickly as possible any remaining indebtedness under said issue then due to it. All sums so collected, less collection fees and expenses, shall be divided among and paid to the members of said association in proportion to the loans severally made to its members: *Provided, however,* That before any such division of moneys remaining after the retirement of any issue of crop credit notes, a full report of the issuance and sale of said notes and the retirement thereof shall be made to the director, and same shall not be distributed to the members of such association until the approval thereof by said director has been made in writing.

Trustee to make reports.

SEC. 24. A full report of every issue of such crop credit notes shall be made to the director by the

trustee at the time of sale of said notes and again at the time of the redemption thereof, said reports to be made upon blanks furnished therefor by said director. The director shall at all times have the right and privilege of inspecting the crops, securities, warehouse receipts and accounts of the said association or the said trustee until the issue secured by same shall have been fully paid and retired. Each association shall make an annual report to the director of markets, showing the gross returns to said association from the business of the previous year; an itemized statement of its expenses; the amount of its net gain, if any, which shall have been transferred to a surplus account; and the amount of money distributed to its members.

SEC. 25. Every permanent association organized under this act may establish a capital account which shall be its working capital. It may transfer thereto any membership fees, commissions, fees or charges against its members or profits from sale of supplies to its members, and may use said capital fund in the transaction of any lawful business conducted by the association.

SEC. 26. Any bank, trust company or mutual savings bank organized under the laws of the state of Washington may be and act as the trustee for the issuance of any crop credit notes provided for herein, and any bank organized under the laws of the United States, may also act as such trustee, subject to the supervision of the directors as in this act provided.

SEC. 27. No issue of crop credit notes shall be made without first having secured the authority of the director, nor shall any such issue be founded upon any other than standard agricultural crops grown in this state. The director shall make general rules and regulations governing the issuance of such

Capital.

Who may act as trustee.

Authority to issue crop credit notes.

notes and for the proper administration and enforcement of this act.

Refunding  
notes.

SEC. 28. For good cause shown the director may permit the issuance of refunding notes to take up any balance of a series upon maturity thereof: *Provided*, There shall be ample security for said refunding issue in accordance with the requirements of this act, said refunding series to be issued at or prior to the maturity of said first series of notes covering any such crop.

Default by  
association.

SEC. 29. Upon default by any crop credit association in the payment of its crop credit notes promptly at the maturity thereof, notice of protest of which shall be immediately given by the trustee to the director, said director shall take charge of all the business, property, security and assets of said association whether the same be in possession of said association or in the hands of the trustee of its issue of crop credit notes, and shall have the power and authority immediately to market to the best advantage any crops remaining on hand as security for the remainder of said notes. He may make composition with the creditors of said association holding its crop credit notes; he may arrange for an extension of the time of payment thereof, and may otherwise fully liquidate the affairs of said association with all the powers of a receiver, duly and regularly appointed by the court having jurisdiction of the association involved, and said director may make application to the superior court in the county where the principal place of business of such association is located for any additional authority necessary to enable him properly and promptly to liquidate the affairs of said association and to pay its creditors. In any such liquidation the creditors holding crop credit notes shall be considered to have a first lien upon all the property and assets securing said notes, and there-

after shall share equally with the unsecured creditors of said association in any unencumbered assets thereof.

SEC. 30. No liability shall attach to the director; nor to the trustee issuing said certificates by reason of the exercise of the authority granted by this act, except that said trustee shall be liable for misfeasance or malfeasance in the administration of said trust. No liability in excess of the membership fee charged by said association shall accrue to or against any member thereof by reason of such membership.

Liability  
under act.

SEC. 31. Any co-operative marketing association, stock company or association engaged exclusively in harvesting, storing, preparing for market or marketing the crops or products of its members or stockholders, may take advantage of the provisions of this act and shall be entitled to all of the privileges hereof upon filing the application for authority to issue crop credit notes as hereinbefore provided for temporary and permanent crop credit associations. Any certificate of authority issued to or for any corporation so applying shall be deemed to be for one crop season only as in the case of a temporary crop credit association.

Scope of act.

SEC. 32. Every member borrower personally or through his duly authorized agent or broker shall have the exclusive right to sell and dispose of the crop pledged by him for his loan: *Provided*, That after the maturity of the indebtedness from him to the association, the association may forthwith and without notice to the borrower, sell said crops to the best advantage and discharge said indebtedness.

Right of  
borrower to  
sell own  
crop.

SEC. 33. All fees collected by the director shall inure to the benefit of the State College of Washington for use in the work of the director of marketing and shall be available therefor without any other or

Director's  
fees.

further appropriation thereof. A statement of all receipts and expenditures by the director shall be made in his annual report.

Violations  
of act.

SEC. 34. Every person who shall violate or knowingly aid or abet the violation of any provision of this act, and every person who fails to perform any act which it is made his duty to perform herein shall be guilty of a gross misdemeanor.

Partial  
validity.

SEC. 35. If any section or part of a section of this act shall, for any cause, be held unconstitutional, such holding shall not affect the rest of this act or any other section hereof.

Exercise of  
directors'  
powers and  
duties.

SEC. 36. When the Director of Agriculture shall have been appointed and qualified and shall assume and exercise the duties of his office, all powers and duties herein conferred and imposed upon the Director of Farm Marketing shall be transferred to the office of the Director of Agriculture and be assumed and exercised by the incumbent thereof.

Passed the Senate February 28, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 122.

[H. B. 147.]

### INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors, and amending sections 3193, 3194, Pierce's Code.

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

SECTION 1. That section 3193 Pierce's Code (Laws 1917 p. 46) be amended to read as follows:

Penalties for  
violations.

Section 3193. Every person convicted of a violation of the provision of this act, for which the pun-

ishment is not specifically prescribed, shall be punished by a fine of not more than two hundred and fifty dollars or by imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment.

Every person convicted of the sale, barter or exchange of intoxicating liquor or of the keeping or transporting of any such liquor with intent to sell, barter or exchange the same shall be punished by a fine of not less than \$250 nor more than \$500 and by imprisonment in the county jail for not less than sixty days nor more than six months. Every person convicted a second time of the sale, barter or exchange of intoxicating liquor or of the keeping or transporting of any such liquor with intent to sell, barter, or exchange the same shall be punished by a fine of not less than \$500 nor more than \$1,000, and by imprisonment in the county jail for not less than four months nor more than one year.

Every person convicted of the manufacture of intoxicating liquor for the purpose of sale, barter or exchange thereof shall be punished by a fine of not less than \$500 nor more than \$1,000, and by imprisonment in the county jail for not less than ninety days nor more than six months. Every person convicted a second time of the manufacture of intoxicating liquor for the purpose of sale, barter or exchange thereof shall be punished by a fine of not less than \$1,000 nor more than \$2,000, and by imprisonment in the county jail for not less than six months nor more than one year.

The provisions and penalties of this section are independent of those of Sec. 3179h of Pierce's Washington Code relating to the offenses of "jointist" and "bootlegger" which shall remain in full force and effect. Scope.

Every justice of the peace shall have jurisdiction to hear and determine any offense in this section prescribed and to impose any punishment in this section provided except in cases where previous conviction under this section is charged.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 123.

[H. B. 73.]

### INDEBTEDNESS OF TAXING DISTRICTS.

AN ACT relating to the computation of the indebtedness of taxing districts and amending section 5401 Pierce's Code, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 5401 Pierce's Code be amended to read as follows:

Section 5401. Whenever it shall be necessary to compute the indebtedness of a taxing district for bonding or any other indebtedness purposes, taxes levied for the current year and cash on hand received for the purpose of carrying on the business of such taxing district for such current year shall be considered as an asset only as against indebtedness incurred during such current year which is payable from such taxes or cash on hand: *Provided, however,* That all taxes levied for the payment of bonds, warrants or other public debts of such taxing district, shall be deemed a competent and sufficient asset of the taxing district to be considered in calculating the constitutional debt limit or the debt limit prescribed by this act for any taxing district: *Provided, That*

How computed.

the provisions of this section shall not apply in computing the debt limit of a taxing district in connection with bonds authorized pursuant to a vote of the electors at an election called prior to March 1, 1917.

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 House January 31, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 124.

[H. B. 227.]

### TAXATION OF MINING PROPERTIES AND PROFITS.

AN ACT providing for the assessment and taxation of mines, mining claims and the improvements thereon and the net profits therefrom, requiring statements of net profits and providing a penalty for false statements made.

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

SECTION 1. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead or other valuable mineral or metal deposits, which mining claims are acquired or held under the lode or placer mining laws of the United States after purchase thereof from the United States shall be taxed at the price paid the United States therefor unless the surface ground or mining claim is used for other than mining purposes and has a separate and independent value for such other purposes, in which case said surface ground or any part thereof so used for other than mining purposes shall be taxed at its value for such other pur- Taxation authorized.

poses. Unpatented mining claims shall not be taxed, but the surface improvements thereon shall be taxed in the same manner as other improvements of like character and the net proceeds thereof shall be taxed as is herein provided. All machinery used in mining and all property and surface improvements upon mines or mining claims, which have a value separate and independent of such mines or mining claims and the net annual proceeds of all mines and mining claims shall be taxed: *Provided*, That nothing in this act contained must be construed so as to exempt from taxation improvements, buildings, erections, structures or machinery placed upon any mining claim or used in connection therewith.

"Net profits"  
defined.

SEC. 2. The term "net profits" as employed in this act means the amount of money received from the mining of said minerals or metals from any mine or mining claim after the deduction of the actual expenditure of money for labor in and about extracting metals and minerals from the mine or mining claim and transporting the same to the mill, concentrator, smelter or reduction works and the reduction thereof and the conversion of the same into money or its equivalent, and also the deduction of all moneys expended for necessary labor, machinery and supplies needed and used in the mining operations, for the improvements necessary in and about the mine or mining claim, for reducing ores, for the construction of mills and reduction works used and operated in connection with the mine, or mining claim, for transporting the ore and for extracting the metals and minerals therefrom; but the money invested in the mine or improvements made during any year except the year immediately preceding such statement must not be included therein. Such expenditures shall not include the salaries or any portion thereof of any person or officer not actually

engaged in the working of the mine or personally superintending the management thereof.

SEC. 3. Every person, corporation or association, engaged in mining gold, silver, copper, lead or other precious and valuable minerals or metals, or mineral or metal deposits, must between the first day of January and the first day of March in each year, make out a statement of production, costs and of the net profits derived from the mining of said metals or minerals, from each mine or mining claim owned or worked by such person, or from each group of mines or mining claims worked by a common system of development, during the year preceding the first day of January. Such statement must be verified by the oath of such person, or superintendent or managing agent of such corporation or association, who must deliver the same to the assessor of the county in which such mines are situated.

Annual statement covering mining operations.

SEC. 4. Where the same person or company or association is operating two or more mining claims under one general system of mining or development, the product of which group of mines is mingled and treated as one mining operation, the statement of the owner provided herein to be made, and the assessment provided herein to be made by the assessor, shall be made as to such entire group, and need not be made as to each particular mining claim constituting such group.

Operation of several claims under one system.

SEC. 5. If anyone herein required to make a statement, shall knowingly and wilfully swear to any false statement contained therein then such person shall be guilty of perjury, and shall be prosecuted and punished as provided for in other cases of perjury.

Punishment for false statement.

SEC. 6. The assessor, after such statement has been rendered, shall have the right to examine the

Powers and duties of assessor.

books and accounts of any person, corporation or association engaged in mining as mentioned in this chapter, in order to verify the statement made by such person, corporation or association, and if from such examination he finds such statement false, he must assess the net proceeds in the same manner as if no statement had been made and delivered, by making an estimate from the best sources within his reach, and if satisfied that the false statement was intentionally made, he shall add as a penalty therefor, to the amount of the net proceeds so found, fifty per cent thereof, which amount thus increased shall constitute the sum upon which the taxes must be levied, and collected, and such assessment shall be binding, effectual and lawful, and the value so fixed by the assessor shall not be reduced by the County Board of Equalization, but is subject to review by action brought in the superior court therefor.

All information derived from any examination of the books and accounts made pursuant to this chapter by the assessor, or anyone acting for him or representing him, shall be deemed to be and held as confidential communications not to be communicated to any other person by the person making such examination, or anyone to whom the knowledge of such examination or facts therein disclosed shall come, except when it becomes necessary as the part of the performance of the public duty of such person to disclose the same in any proceeding affecting the validity of said assessment or taxation, or for the prosecution for perjury of the person required to make the statement mentioned in this chapter. Any person or officer making such disclosures or violating such confidence, except as herein provided, shall be deemed guilty of a felony, and upon conviction thereof shall be removed from office and punished as in case of other felonies.

SEC. 7. If any person, corporation or association, engaged in mining as mentioned in this chapter, refuses or neglects to make and deliver to the assessor of the county where the mines are located, the statement mentioned in this chapter, such assessor must list the amount of said tax in the manner provided by the law for the assessment of other property where no statement is furnished.

Failure to furnish statement.

SEC. 8. The assessor must prepare at the time of the preparation of the general assessment book, another assessment book called the "Assessment Book of the Net Profits of Mines", alphabetically arranged, in which must be specified in separate columns and under appropriate heads:

Assessor assessment book.

1. The name of the owner or owners of the mines;
2. The name, description and location of the mine;
3. The number of tons extracted during the year;
4. The gross yield or value in dollars and cents;
5. The actual cost of extracting the same from the mine;
6. The actual cost of transportation to the place of reduction or sale;
7. The actual cost of reduction or sale;
8. The cost of construction of betterments and repairs of mines and reduction works during the year;
9. The net profits in dollars;
10. The total amount of taxes.

SEC. 9. The duties of the assessor, county auditor, State Board of Equalization, and the County Board of Equalization, as to the assessment of the net profits of mines, the statements and returns to be made, the equalization thereof, and other official acts, are the same as those provided by the laws of the state for the assessment of other property.

What laws applicable.

SEC. 10. All property herein specified to be taxed shall be assessed at the same rate as is other property in the county where said property is situated. The taxes mentioned herein must be collected and payment thereof enforced in the same manner as the collection and enforcement of other taxes are

Rate of assessment.

Collection.

provided for by law and every such tax is a lien upon the mine or mining claim or where the net profits thereof are the product of a group of mining claims operated by the same person or persons or corporation shall be a lien upon all of the mining claims included in said group. Said lien attaches at the same time as is provided for the attachment of the lien of taxes upon other property in this state and the sale thereof for delinquent taxes shall be made in the same manner as is provided by law for the sale of real estate: *Provided*, That on unpatented mining claims only the surface improvements thereon shall be assessed and only such surface improvements can be subjected to the lien of said taxes and such surface improvements on unpatented mining claims shall be sold in the same manner as is provided for the sale of personal property for taxes.

Passed the House February 25, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 125.

[H. B. 170.]

### PUBLICLY OWNED MOTOR VEHICLES.

AN ACT relating to publicly owned automobiles and motor vehicles, and requiring the marking thereof with the names of the public bodies owning the same.

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

SECTION 1. It shall be the duty of every public officer and department having charge of any automobile or other motor vehicle owned by any county, city, town or other public body in this state and used in the public business, except automobiles used by

the sheriff's office, police department, constables and game wardens, except automobiles engaged in police duty, to cause to be painted upon such automobile or other motor vehicle, in letters of contrasting colors, not less than two by two and one-half inches in size, the name of such county, city, town or other public body, together with the name of the department or office upon the business of which said automobile or other motor vehicle is used.

SEC. 2. Any person failing to comply with the provisions of this act, or any person driving or using any automobile or other motor vehicle, required to be marked under the provisions of this act, which is not so marked, shall be guilty of a misdemeanor.

Violations.

Passed the House February 26, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 126.

[H. B. 131.]

### RELATING TO PRACTICE OF LAW.

AN ACT relating to the practice of law, providing for a State Board of Law Examiners, defining its powers and duties, providing for the licensing of attorneys and counselors at law and for the suspension or revocation of licenses, providing penalties for the violation hereof, and repealing Chapter 115 Laws of 1917, Chapter 100 Laws of 1919 and Sections 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 139, 140, 141 and 142 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. There is hereby created a State Board of Law Examiners composed of three members of the bar, each of whom shall have been admitted to practice in this state for at least five years

State board  
of law ex-  
aminers.

next preceding his appointment. The members of the State Board of Law Examiners at the time of the taking effect of this act shall continue to be members of the Board of Law Examiners for the remainder of their respective terms, and upon the expiration of the term of office of a member, the supreme court shall make an appointment to fill the vacancy, which appointment shall be for a term of three years; and thereafter, at the expiration of any term of office of a member, a like appointment shall be made for a term of three years. Each member of the board shall, before entering upon the duties of his office, take and subscribe such oath as the supreme court shall prescribe, which shall be filed with the clerk of the supreme court. Each member of the board shall be allowed his traveling and incidental expenses and one thousand dollars per year for his services, payable in the same manner as state officers are paid.

SEC. 2. The board shall have its office with the clerk of the supreme court, who shall act as secretary, or one of the members of the board may act as secretary. The records of the board shall be kept in the office of the clerk, where all applications for admission to the bar and all complaints or other matters affecting the rights of persons to practice law in this state shall be filed. The board shall hold meetings at the Temple of Justice at the state capital on the fourth Tuesday of June and January of each year for the purpose of conducting examinations and passing upon applications for admission to practice law in this state, and at such other times and places as it may order, and may authorize any one or more of its members to conduct examinations and report thereon. Other meetings of the board may be held at such places as the board or the chairman may designate, and the board may authorize one or more of its

Secretary,  
records and  
meetings.

members to act for it in any matter or proceeding or to make any investigation deemed by it advisable.

SEC. 3. The board shall pass upon all applications for permission to practice law before the courts of this state, and when satisfied that an applicant has the requisite qualification to practice as an attorney and counselor, it shall so certify to the supreme court; and upon such certification, unless objection be raised thereto and found sufficient, the court may make an order admitting the applicant, and the clerk shall issue to him a certificate of admission. No person shall be denied admission to the bar on account of sex.

Applications  
to practice.

SEC. 4. No person shall be permitted to practice as an attorney or counselor at law or to do work of a legal nature for compensation, or to represent himself as an attorney or counselor at law or qualified to do work of a legal nature, unless he is a citizen of the United States and a bona fide resident of this state and has been admitted to practice law in this state: *Provided*, that any person may appear and conduct his own case in any action or proceeding brought by or against him, or may appear in his own behalf in the small claims department of the justice's court; and *Provided further*, That an attorney of another state may appear as counselor in a court of this state without admission, upon satisfying the court that his state grants the same right to attorneys of this state.

Qualifica-  
tions.

SEC. 5. No person shall practice law who holds a commission as judge in any court of record, or as sheriff, coroner, or deputy sheriff; nor shall the clerk of the supreme court or of the superior court or the deputy of either practice in the court of which he is clerk or deputy clerk: *Provided*, It shall be unlawful for a deputy prosecuting attorney, or for the em-

Restrictions.

ployee, partner, or agent of a prosecuting attorney, or for an attorney occupying offices with a prosecuting attorney, to appear for an adverse interest in any proceeding in which a prosecuting attorney is appearing, or to appear in any suit, action or proceeding in which a prosecuting attorney is prohibited by law from appearing, but nothing herein shall preclude a judge of a court of this state from finishing any business by him undertaken in a court of the United States prior to his becoming a judge.

Affidavit  
upon appli-  
cation.

SEC. 6. Every applicant for admission to the bar shall file his affidavit that he is a citizen of the United States. If a citizen by birth he shall state his birth-place and date of birth; if a citizen by naturalization, the time, place and court in which he or his ancestor made his first and final applications for citizenship and swear that he owes his allegiance to the United States. The applicant shall further state his vocation during the five years immediately preceding his application, and the specific place or places of his residence during that period.

Resident of  
another  
state.

SEC. 7. If the applicant has practiced law or been admitted to the bar elsewhere than in this state, he shall state such facts with respect thereto as the board may prescribe or require. In addition thereto if the applicant comes from a place where there is a local bar association, he shall present a recommendation from its president and secretary. His application shall be supported by recommendation of a judge of a court of general jurisdiction in which he has practiced; and if there is no bar association at the place whence the applicant came, he shall present recommendations from at least three members of the local bar where he last practiced. If for sufficient reason the applicant cannot obtain any of the recommendations required, the board may accept other satisfactory proof of his character and reputation.

SEC. 8. The board shall investigate the statements in the affidavits, and if any of them are found false in a material respect, or if the board finds the applicant is not a proper person to be admitted to practice law, it shall recommend to the supreme court that the application be denied. If the board finds that the statements in the affidavits are substantially true and that the applicant is a proper person to be admitted to the bar, it shall recommend to the supreme court that the application be granted, if the applicant has the educational qualifications hereinafter required.

Board to investigate and recommend.

SEC. 9. Applicants may be admitted on accredited certificates or upon examination. An accredited certificate shall be:

Accredited certificate defined.

(1) A certificate from the clerk or other officer of the highest court of record of another state, or from the clerk of the court by which attorneys are admitted, under the seal of the court, showing that the applicant was entitled to practice and was actively engaged in practice in such state for five years or more next preceding the date of the certificate, together with a certificate from the chief justice or other member of such court, under the seal of the court, certifying that the applicant is in good standing at the bar of the court and is an honorable and worthy member of the profession. If the certificate last mentioned cannot be procured on account of lack of acquaintance, the board may accept in lieu thereof a certificate from the judge of the highest court of record in the county wherein the applicant last resided: *Provided, however,* That the certificate was issued within one year prior to his application for admission in this state.

(2) A diploma of graduation from the law school of the University of Washington.

(3) A diploma of graduation from an approved law school within the state of equal standing as to entrance requirements and hours of study to that of the law school of the University of Washington.

Board to determine approved schools.

SEC. 10. The board shall examine the curricula of law schools and determine which ones shall be approved. No law schools shall be approved unless the board finds that its entrance requirements and hours of study are at least equal to those of the University of Washington school of law, or of the American Association of Law Schools. All applicants who have satisfactorily completed the course in an approved law school within this state, may, in the discretion of the board, be recommended for admission without further examination. The board shall prescribe the credits to be allowed for study in any other than an approved law school, and for less than a full course in an approved law school, and for office study.

Registration and course of study by students not attending approved school.

SEC. 11. Every person desiring to study law, except a student in an approved law school, shall, prior to the commencement of his studies, register with the clerk of the supreme court. He shall not be registered until he make proof satisfactory to the board that he has general education sufficient to entitle him to enter the freshman class of the University of Washington or of the State College of Washington except its elementary science departments. If a student in an approved law school leave the school and pursue his legal studies elsewhere, he must register as herein required. The board shall prescribe a course of legal study for students other than those in approved law schools. Such course shall not be less than three years and examination shall be held at the completion of the course: *Provided*, That all persons who have served in the army, navy or marines of the United States, in the late war,

may be admitted to examination at any regular examination meeting of the board of law examiners for a period of one year from the date of passage of this act: *Provided further*, That any person over the age of twenty-five years and of good moral character who is a citizen of the United States and a resident of the state of Washington and who has served for not less than five years as law clerk for a licensed and practicing attorney or attorneys in the state of Washington of good moral character and reputable standing, may be admitted at any time to examination as to his educational qualifications, both general and legal; and if the board be satisfied that he is qualified to practice law it shall so certify to the supreme court.

SEC. 12. Every person before being admitted to practice law in this state shall take and subscribe the following oath:

Oath before admission.

I do solemnly swear:

I am a citizen of the United States and owe my allegiance thereto;

I will support the constitution of the United States and the constitution of the state of Washington;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land, unless it be in defense of a person charged with a public offense; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no com-

pensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice. So help me God.

Fees.

SEC. 13. Applicants for admission to the bar upon accredited certificates or upon examination, not having been admitted to the bar in another state or territory, shall pay a fee of twenty-five dollars and all other applicants a fee of fifty dollars to the clerk of the supreme court at the time of filing the application for admission. Such fees shall be accounted for as other fees of the clerk's office.

Disbarment  
or suspen-  
sion.

SEC. 14. An attorney or counselor may be disbarred or suspended for any of the following causes arising after his admission to practice: 1. His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence. 2. Wilful disobedience or violation of an order of the court requiring him to do or forbear an act connected with, or in the course of, his profession, which he ought in good faith to do or forbear. 3. Violation of his oath as an attorney, or of his duties as an attorney and counselor. 4. Corruptly or wilfully, and without authority, appearing as attorney for a party to an action or proceeding. 5. Lending his name to be used as attorney and counselor by another person who is not an attorney and counselor. 6. For the commission of any act involving moral turpitude, dishonesty or corruption, whether the same be committed in the course of his relations as an attorney or counselor at law, or

otherwise, and whether the same constitute a felony or misdemeanor or not; and if the act constitute a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment or suspension from practice therefor. 7. Misrepresentation or concealment of a material fact made in his application for admission or in support thereof. 8. Disbarment by a foreign court of competent jurisdiction. 9. Practicing law with or in cooperation with a disbarred or suspended attorney, or maintaining an office for the practice of law in a room or office occupied or used in whole or in part by a disbarred or suspended attorney, or permitting a disbarred or suspended attorney to use his name for the practice of law, or practicing law for or on behalf of a disbarred or suspended attorney, or practicing law under any arrangement or understanding for division of fees or compensation of any kind with a disbarred or suspended attorney or with any person not a licensed attorney. 10. Gross incompetency in the practice of the profession. 11. Violation of the ethics of the profession.

SEC. 15. The code of ethics of the American Bar Association shall be the standard of ethics for the members of the bar of this state.

Code of ethics.

SEC. 16. The board shall enforce the laws relating to attorneys. Complaints shall be filed with the secretary of the board and may be made by the board or a member thereof or by persons having information of unprofessional acts or conduct. Notice shall be given to the accused attorney of the time and place of hearing. The hearing shall be had in the county where the accused resides unless the board shall otherwise direct. The board may delegate the taking of testimony or the making of investigation to any one or more members of the board.

Complaints and hearings thereon.

Proceedings  
upon hear-  
ings.

SEC. 17. The board or a member thereof shall have power to issue subpoenas to compel the attendance of witnesses or the production of books or documents. The accused attorney shall have opportunity to make his defense and may have issued such subpoenas as he may desire and as the board or member conducting the hearing deems necessary. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by a member of the board. Testimony shall be taken in writing, and may be taken by deposition, under such rules as the board may prescribe. The prosecuting attorney of the county in which the hearing is held shall assist the board in the conduct of the hearing, and the attorney general shall assist when so requested by the board. Upon approval by the court or presiding judge of the county where the hearing is held, whether such hearing be one for disbarment or for any other purpose authorized by this act, the county shall pay the witnesses' and stenographer's fees and other disbursements incurred in the conduct of the hearing. The board shall make findings upon the evidence produced, and shall file with the clerk of the supreme court its findings and recommendations, together with a transcript of the evidence.

Supreme  
court, hear-  
ings and  
judgment.

SEC. 18. There shall be a hearing before the supreme court upon the record certified by the board under such rules of procedure as the court may prescribe. The supreme court shall render such judgment as the facts warrant or may remand the case to the board for further investigation and consideration. The attorney may be disbarred, or suspended, or subjected to such other discipline as the court may decree. If an attorney's license is suspended or annulled the clerk of the supreme court shall notify the clerks of the superior courts of the state.

SEC. 19. The board shall prescribe forms, rules and regulations to carry out the provisions of this act. Such forms, rules and regulations shall have the same force and effect as if made a part of this act.

Forms, rules and regulations.

SEC. 20. Every attorney and counselor at law of this state except judges, shall register annually with the clerk of the county in which he resides or has his place of practice, which registration may be done in person, by agent, or by mail, and shall state the name of the attorney, his address and the firm of attorneys with which he is connected, if any. The clerk shall provide a book for such registration and shall register the names therein alphabetically. In counties having a population of less than 125,000, the fee for each annual registration shall be One Dollar to be paid into the state treasury for the general fund; in counties having population of 125,000 or more, the fee for each annual registration shall be Two Dollars, one-half of which fee shall be paid into the county treasury for the county law library fund; and the other half shall be paid into the state treasury for the general fund. An attorney who shall have failed to register before the first day of February in any year shall be deemed suspended as an attorney and counselor at law until such registration shall have been made and the fee paid, but such suspension shall not be construed to affect the rights of litigants or others for whom the delinquent may act during suspension. If an attorney fail to register for two successive years and pay his registration fees, the county clerk shall notify the clerk of the Supreme Court, and the attorney; whereupon the attorney's name shall be stricken from the list of attorneys until all delinquent fees are paid.

Annual registration.

Fee.

Failure to register.

SEC. 21. The clerk of the Supreme Court shall certify to the clerks of the superior courts of the several counties a list of all attorneys admitted and

Record of attorneys.

in good standing in the state on the first day of September of each year, commencing with the year 1921, which list shall be filed and kept by said clerks as a public record.

Violations.

SEC. 22. Any violation of this act or of a rule prescribed under this act is a gross misdemeanor.

Repealing clause.

SEC. 23. Chapter 115, Laws of 1917, Chapter 100 Laws of 1919 and Sections 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 139, 140, 141 and 142 of Remington & Ballinger's Annotated Codes and Statutes of Washington, are hereby repealed. This act shall not affect existing rights. All former statutes and laws are excepted from the repealing clause of this act for the purpose of prosecuting any offenses committed thereunder. The provisions of this act, in so far as they are substantially the same as existing statutes, shall be construed as continuations thereof and not as new enactments.

Passed the House, February 9, 1921.

Passed the Senate, March 7, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 127.

[H. B. 7.]

### FUNDS AND TAX LEVIES IN CERTAIN CITIES.

AN ACT relating to tax levies in certain municipalities, and amending Section 5131 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That Section 5131 of Rem. & Bal. Code be amended to read as follows:

Levies.

Section 5131. Such municipal corporation shall 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 exist) not exceeding six mills on the dollar, and all moneys collected from the taxes levied for payment of current expenses shall be credited and applied by the treasurer to "Current Expense Fund"; and all moneys collected from the taxes levied for the payment of indebtedness shall be credited and applied to a fund to be designated as the "Indebtedness Fund": *Provided*, That the City Council, by unanimous vote of all its members at a regular meeting may levy a property tax for the payment of current expenses not exceeding eighteen mills on the dollar: *And provided further*, That if the qualified electors of any such municipality 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 eighteen mills on the dollar of assessed valuation, such larger levy for such purpose may be made accordingly: *Provided further*, That this act shall not be held to apply to cities of the third class, or in any way modify the law in relation thereto.

Passed the House February 1, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 128:

[H. B. 77.]

## LOCAL IMPROVEMENTS.

AN ACT relating to local improvements, and amending section  
1000 Pierce's Code.

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

SECTION 1. That Section 1000 Pierce's Code be  
amended to read as follows:

Section 1000. The council or other legislative  
body shall have jurisdiction to proceed with any such  
improvement initiated by petition or resolution:  
*Provided*, That in any city of the first class it ap-  
pears from the certificate of the board, officer, or  
authority designated by charter or ordinance to de-  
termine the same that the proportion of the esti-  
mated cost and expense thereof to be assessed  
against the property in the proposed improvement  
district does not exceed fifty per cent (50%) of the  
valuation of the real estate, exclusive of improve-  
ments thereon, within such district, according to the  
valuation last placed upon it for purposes of general  
taxation: *Provided*, That this limit may be exceeded  
when any such improvement shall be petitioned for  
in the manner provided in Section 997, and such peti-  
tion shall be signed by the owners of sixty (60%)  
per cent of the lineal frontage upon the improvement  
to be made and three-fourths of the area within the  
limits of the proposed improvement district, and  
shall specify a certain higher percentage up to which  
the property within such proposed improvement dis-  
trict may be assessed: *Provided, further*, That the  
jurisdiction of the council or other legislative au-  
thority to proceed with any such improvement initi-  
ated by resolution shall be divested by a protest filed

Limit of  
assessment.

with the council prior to the awarding of the contract for such improvement signed by the owners of three-fourths of the area within the limits of the proposed improvement district: *Provided, further,* That the jurisdiction of the city commission in cities organized under the commission form of government pursuant to Chapter 116 of the Session Laws of 1911 to proceed with any such improvement initiated by resolution shall be divested by a protest filed with the commission prior to the awarding of the contract for such improvement signed by the owners of one-half of the area within the limits of the proposed improvement district. In the absence of fraud or gross mistake, such certificate of such board, officer or other authority shall be final and conclusive.

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.

Passed the House February 2, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 129.

[H. B. 149.]

## IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts, to the organization and government thereof, to the authorization, issue and sale of bonds, the levy and collection of assessments, and providing for the inclusion of public lands of the state in existing irrigation districts and the exclusion of lands and former irrigation districts from consolidated irrigation districts and the reestablishment of such former districts, providing for drainage in irrigation districts and amending sections 6417, 6417-1, 6418, 6419, 6426, 6427, 6428, 6430, 6431, 6432, 6433, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6449, 6451, 6456, 6457, 6457-2, 6457-3, 6457-4, 6457-5, 6457-6, 6457-7, 6462, 6464, 6471, 6475, 6476, 6477, 6478, 6479, 6480, 6481, 6482, 6483, 6488, 6489, 6491, 6493, of Remington & Ballinger's Annotated Codes and Statutes of the State of Washington, and adding thereto new sections to be numbered 6427-2 and 6427-3, and repealing section 6432-1, 6432-2, 6432-3, 6432-4, 6432-5 and Chapter 154 of the Laws of 1919.

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

SECTION 1. That Section 6417 of Rem. & Bal. Code be amended to read as follows:

Proceedings  
to establish.

Section 6417. For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries of such district, and the number of directors, either three (3) or five (5), desired by such district, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as an irrigation district. The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and

conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the Hydraulic Engineer from year to year until such time as the Director of Conservation and Development shall be appointed and qualified and assume and exercise the duties of his office after which said newspaper shall be designated by said Director, which said notice shall be published for at least two weeks prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice shall also be served by registered mail at least two weeks before said hearing upon the State Hydraulic Engineer who shall sit with the Board of County Commissioners at the hearing upon said petition in an advisory capacity. When the petition is presented, the Board of County

Commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited be included within such district; any lands included within any district which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: *And provided further*, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district. The Board of County Commissioners shall, as soon as it has established the boundaries of said proposed district, enter an order establishing and defining such boundaries, and ordering that directors for such district be elected from the district at large, and designating a name for the proposed district, and calling an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the purpose of electing directors. The clerk of the Board of County Commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as estab-

lished, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes," and "Irrigation District—No," and also the names of persons to be voted for as directors of the district: *Provided*, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

SEC. 2. That Section 6417-1 of Rem. & Bal. Code be amended to read as follows:

Section 6417-1. Whenever any state, granted, school or other public lands of the state shall be situated in any irrigation district organized under this act, such lands shall be subject to the provisions of this act in the same manner in which lands of like character held under private ownership are subject thereto except as hereinafter provided: *Provided*, That no state, granted, school or other public lands of the state shall be included in any such district except upon the consent of the commissioner of public lands to the inclusion of such lands in such district, and he shall be served with a copy of the petition proposing to include any such lands in any district, together with notice of the time and place of hearing the same, at least twenty days prior to

Inclusion of  
state lands.

such hearing, and if he shall determine that such public lands will be benefited by being included in such district, he shall give his consent thereto in writing or shall file with the board a statement of his objections thereto: *Provided further*, That any state, granted, school or other public lands of the state which are situated within the boundaries of any irrigation district, but were not included within such district at the time of its organization, may be so included in such district after a hearing as herein provided. Whenever the commissioner of public lands or any interested person shall desire to have such lands included in the district, he shall file a request to that effect in writing with the district board, which shall thereupon fix a time and place for hearing such request and cause a notice of the same to be given by posting a copy of said notice in three (3) public conspicuous places in the district, one of which shall be at the place of hearing, at least twenty (20) days before the hearing, and by mailing, by registered mail, a copy of the notice to the commissioner of public lands. Said notice shall describe the lands to be included and direct all persons objecting to such inclusion to appear at the time and place stated and present their objections. At said hearing, the district board shall consider all objections to such inclusion and shall have the power to adjourn to a later date for cause and by resolution to determine the matter. The determination of the district board shall be final and conclusive upon all persons, except in no case shall any such lands be included in any district without the written consent of the commissioner of public lands.

Upon the inclusion of any state, granted, school or other public lands of the state within the limits of such organized district, the state shall be entitled to receive its proportion of water as in case of other land owners upon payment by the state, as herein

provided, of such sums as shall be determined by the board of directors upon agreement with the commissioner of public lands, and at the time to be so fixed, which sums shall be such equitable amount as such lands should pay having regard to the length of time the district has been organized and to the present condition of the irrigation system, as well as to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit, if equitable, for any sums paid as water rent by the occupant of said lands prior to the inclusion of same in the district, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Any public lands which shall be included in any irrigation district shall not be sold for delinquencies, but immediately after the delinquency thereof, the amount of the assessment shall be certified by the county treasurer of the county in which the land is situated to the commissioner of public lands, whose duty it shall be to certify the same to the State Auditor, who shall, at the next session of the Legislature, unless such assessment, or assessments, have been paid in the meantime, certify to the Legislature the amount of such assessments and the Legislature shall provide for the payment of the same with interest by appropriation out of the general fund of the state, and the amount so paid shall be added to the appraised value of the tract of land against which the delinquent assessment was certified and shall be collected at the time and in the manner provided in Section 4253 of Remington & Ballinger's Code. The certificate of the county treasurer herein provided for shall contain (1) a description of the state, school, or granted lands by legal subdivisions, (2) the amount of the assessment against each legal subdivision separately stated.

SEC. 3. That Section 6418 Rem. & Bal. Code be amended to read as follows:

Elections,  
how con-  
ducted.

Section 6418. For the purpose of the election above provided for, the Board of County Commissioners must establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place for, and appoint the necessary election officers for each of said precincts, but said precincts may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided in the election of directors for the district: *Provided*, That where any non-assessable area is situated within the boundaries of any irrigation district, any notice, delinquent list or other announcement required by this act to be posted, may be so posted in such area, and any election held or to be held pursuant to the provisions of this chapter, may be held within such area.

The Board of County Commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation District Yes," the board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the three, or in case of five directors, then the five, persons receiving the highest number of votes to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the offices of the county auditor and the county assessor of each county in which any portion of the district may lie. From and after the date of the filing of such order, the organization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties

of their office, upon qualifying in accordance with law, and shall hold office until their successors are elected and qualified. Immediately upon the filing of said certified copy of said order, it shall be the duty of the county assessor to write the name of the irrigation district on the permanent tax roll in a column provided for that purpose opposite each description of land, or any portion thereof, which is included within the boundaries of said district. Said column shall be carried forward each year on the current tax roll. In the event of a change in the boundaries of any irrigation district, the assessor shall note the same in said column upon the tax roll.

Any person of the age of twenty-one (21) years, being a citizen of the United States and a resident of the State of Washington and who holds title to land or evidence of title to land embraced within the boundaries of any irrigation district, or proposed irrigation district, in the case of an election for the organization thereof, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the general election laws of the state shall not apply, provided at all times the majority of the board of directors shall be residents of the county or counties within which the district is situated; and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the non-resident candidates who received the highest number of votes shall be considered in ascertaining and computing the result of the election: *And provided further*, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided*, That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said

Qualifica-  
tions of elec-  
tors.

corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct nearest his place of residence.

SEC. 4. That Section 6419 of Rem. & Bal. Code be amended to read as follows:

Directors,  
election of.

Section 6419. There shall be elected in each organized irrigation district of this state, a board of directors who are electors of the district. An annual election to the office of director shall be held on the second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That the directors elected at any organization election called by the Board of County Commissioners shall serve until the first Tuesday of January following the first annual election; and at the first annual election there shall be elected three directors, if the board consists of three directors, and the candidate receiving the highest number of votes shall serve a term of three years next succeeding such election, the candidate receiving the next highest number of votes shall serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve a term of one year next succeeding such election, and when a board of five directors exists, the two candidates receiving the highest number of votes shall each serve a term of three years next succeeding such election, the two candidates receiving the next highest number of votes shall each serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve for a

term of one year next succeeding such election, or until a successor is elected and qualified. Whenever a district now organized desires to increase the number of its board of directors, such question shall be submitted to the electors at a regular election, and at the same time two directors shall be elected to serve as such in the event the electors by majority of votes cast at such election increase the number of said board. The person receiving the highest number of votes for the office of director at said election shall serve for the three year term next succeeding and the person receiving the next highest number of votes shall serve for a term of two years. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the Board of County Commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of twenty-five hundred dollars (\$2500.00), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was effected, and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars (\$2500.00) to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any

Oath and  
bond.

irrigation district is appointed fiscal agent of the United States, or is authorized by the United States in connection with any irrigation project in which the United States is interested, to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

SEC. 5. That Section 6426 of Rem. & Bal. Code be amended to read as follows:

Organization  
and meet-  
ings of board  
of directors.

Section 6426. The directors of the district shall organize as a board and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the directors and principal place of business of the district shall be at some place in the county in which the organization was affected, to be designated by the directors. The directors shall hold a regular monthly meeting at their office, on the first Tuesday in every month, or on such other day in each month as the board shall direct in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by order of a majority of the directors, but in case all di-

rectors do not join in said order, the secretary shall give the members not joining, five (5) days' notice of such meeting, which notice shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting: *Provided*, That if all members of the board are present, no order for said special meeting shall be necessary and any business may be transacted at such special meeting as could be transacted at a regular meeting. All meetings of the directors must be public. A majority of the directors 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 directors. All records of the board shall be open to the inspection of any electors during business hours. The board shall have the power, and it shall be its duty, to adopt a seal of the district, to manage and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe their duties, and to establish equitable by-laws, rules and regulations for the government and management of the district, and for the equitable distribution of water to the lands within the district, upon the basis of the beneficial use thereof, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter, including the acquisition, construction and operation and maintenance of drainage works and wasteways: *Provided*, That all water, the right to the use of which is acquired by the district under any contract with the United States shall be distributed and apportioned by the district in accordance with the acts of Congress, and rules and regulations of the secretary of the interior until full reimbursement has been made to the United States, and in accordance with the provisions

of said contract in relation thereto. The by-laws, rules and regulations must be printed in convenient form for distribution in the district. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby declared to be title to and evidence of title to lands and for all purposes within this act, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: *Provided*, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee-simple title of the state or other public ownership. The board of directors shall have authority to develop and to sell, lease, or rent the use of water or power derived from the operation of the district irrigation or drainage works for delivery to occupants of public or other lands situated within or adjacent to the district, or to municipal corporations, at such prices and on such terms as it deems best: *Provided*, No water or power shall be furnished for use outside of said district until all demands and requirements for water and power for use in said district are furnished and supplied by said district: *And provided further*, That as soon as any public lands situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his proportion of water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sums shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit if equitable for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and

such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

SEC. 6. That Section 6427 of Rem. & Bal. Code be amended to read as follows :

Section 6427. The board, and its agents and employees, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation or drainage works, power plants, power sites or power lines and the line for any canal or canals, and the necessary branches of laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation and drainage works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for the said district, and may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done in order to carry out the the purposes of this act; and in carrying out the aforesaid purposes the bonds of the district may be used by the board, at not less than ninety per centum of their par value in payment. The board may enter into any obligation or contract with the United States or with the State of Washington for the supervision of the construction, for the construction, reconstruction, betterment, extension, sale or purchase, or operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the State Reclamation Act, or under the provisions

Powers of  
board of  
directors.

of the Federal Reclamation Act, and all amendments or extensions thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply or for reclamation purposes in general under any Act of Congress which, for the purposes of this act, shall be deemed to include any Act of Congress for reclamation purposes heretofore or hereafter enacted providing for and permitting such contract, or for the collection of money due or to become due to the United States, or for the assumption of the control and management of the works; and in case contract has been or may hereafter be made with the United States, as herein provided, bonds of the district may be deposited with the United States as payment or as security for future payment at not less than ninety per centum of their par value, the interest on said bonds to be provided for by assessment and levy as in the case of other bonds of the district, and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited, it shall be the duty of the board of directors to include as part of any levy or assessment provided in Section 6437 of Remington & Ballinger's Annotated Code and Statutes of Washington an amount sufficient to meet each year all payments accruing under the terms of any such contract. The board may accept on behalf of the district appointment of the district as fiscal agent of the United States or the State of Washington or other authorization of the district by the United States or the State of Washington to make collections of money for or on behalf of the United States or the State of Washington in connection with any federal or other reclamation project, whereupon the district, and the county treasurer for the district, shall be authorized to so act and to assume the duties and liability incident to such action, and the said board shall have

full power to do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by the rules and regulations now or that may hereafter be established by any department of the federal government in regard thereto.

The use of all water required for the irrigation of the lands within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs, power plants, sites, and lines, and all other property required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in condemnation proceedings to acquire any property or property rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of lands, real estate and other property by private corporations: *Provided*, That the irrigation district, at its option, pursuant to resolution to that end duly passed by its board of directors may unite in a single action proceedings for the acquisition and condemnation of different tracts of land needed by it for rights-of-way for canals, laterals, power plants, sites, and lines and other irrigation works which are held by separate owners. And the court may, on the motion of any party, consolidate into a single action separate suits for the condemnation of rights-of-way for such irrigation works whenever from motives of economy or the expediting of business it appears desirable so to do: *Provided further*, That there shall be a separate finding of the court or jury as to each tract held in separate ownership.

In any condemnation proceeding brought under the provisions of this act to acquire canals, laterals and ditches and rights-of-way therefor, sites, reservoirs, power plants and pumping plants and sites therefor, power canals, transmission lines, electrical

equipment and any other property, and if the owner or owners thereof or their predecessors shall have issued contracts or deeds agreeing to deliver to the holders of said contracts or deeds water for irrigation purposes, or authorizing the holders thereof to take or receive water for irrigation purposes from any portion of said property or works, and if the delivery of said water or the right to take or receive the same shall in any manner constitute a charge upon, or a right in the property and works sought to be acquired, or any portion thereof, the district shall be authorized to institute and maintain said condemnation proceedings for the purpose of acquiring said property and works, and the interest of the owners therein subject to the rights of the holders of such contracts or deeds, and the court or jury making the award shall determine and award to such owner or owners the value of the interest to be so appropriated in said condemnation proceedings.

SEC. 7. That Section 6428 of Rem. & Bal. Code be amended to read as follows:

Section 6428. The title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided: *Provided, however,* That any property so acquired by the district may be conveyed to the United States, or the State of Washington, in so far as the same may be for the benefit of the district under any contract that may be entered into with the United States, or the State of Washington, pursuant to this act.

The title acquired by an Irrigation District under the provisions of this act shall be the fee simple title

Title to  
property,  
in whom  
vested.

Conveyance  
to United  
States or  
state.

or such lesser estate as shall be designated in the decree of appropriation.

SEC. 8. That Section 6430 of Rem. & Bal. Code be amended to read as follows:

Section 6430. For the purpose of construction, reconstruction, betterment, extension or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district must, as soon after such district has been organized as may be practicable, and whenever thereafter the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised, and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this chapter the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in Gold Coin of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: *Provided*, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof.

Bond issues,  
elections for.

Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the re-

sults thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this chapter governing the election of the officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in Section 6427 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of Congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States Yes" and "Contract with the United States No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All

Submission  
of question  
of U. S. con-  
tracts.

bonds issued under this act shall bear interest at such rate not exceeding 6% per annum as the board of directors may determine, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the State of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto: *Provided*, That if an issue of bonds having been authorized at an election, shall remain, in whole or in part, unsold, and a subsequent issue shall be authorized pursuant to the provisions of this act, said subsequent authorization shall operate to cancel and nullify the previous authorization, except as to such bonds as may have been issued and sold under said previous authorization and the board of directors shall be authorized to exchange bonds issued under said new authorization for bonds issued and sold under said previous authorization at the fair market value of said new issue, and in that event the bonds previously issued and sold shall be surrendered to the board and cancelled. *Provided further*, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of cancelling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto.

Form and  
contents of  
bonds.

If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby cancelled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the Secretary of the Interior.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous is-

sue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the Board of Directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such re-issue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years.

Reissue of  
bonds.

SEC. 9. That Section 6431 of Rem. & Bal. Code be amended to read as follows:

Section 6431. The board may sell the bonds of the district or pledge the same to the United States from time to time in such quantities as may be necessary and most advantageous to raise money for the construction, reconstruction, betterment or extension of such canals and works, the acquisition of said property and property rights, the assumption of indebtedness to the United States for the district lands, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interest of the district so to do. The board of directors shall also have power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor, property or property rights, labor and material necessary

Sale or  
pledge of  
bonds.

for the construction of its proposed canals or irrigation works, power plants, power sites and lines in connection therewith, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three (3) weeks in such newspaper or newspapers as the board may order. The notice shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: *Provided*, That such bonds shall not be sold for less than ninety per cent of their face value: *And provided further*, That the proceeds of all bonds sold for cash must be paid by the purchaser to the county treasurer of the county in which the office of the board is located, and credited to the bond fund.

SEC. 10. That Section 6432 of Rem. & Bal. Code be amended to read as follows:

Bonds and  
interest, how  
paid.

Section 6432. Said bonds and interest thereon and all payments due or to become due to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington, as in Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments until fully paid as hereinafter provided. And in addition to

this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds, or the contract with the United States or the State of Washington accompanying which bonds have not been deposited with the United States or the State of Washington, shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, or any payment required by the contract with the United States, or the State of Washington, according to the terms thereof, the holder of said bonds, or any part thereof or the United States or the State of Washington as the case may be, shall have the right to enter upon and take possession of all the water rights, canals, ditches, flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued or any contract heretofore made with the United States, or which may hereafter be issued or made by any district.

SEC. 11. That Section 6433 of Rem. & Bal. Code be amended to read as follows:

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion to the benefits accruing to the lands as-

Assessments,  
how and  
when made.

sessed and equitable credit shall be given to the lands having a partial or full water right: *Provided*, That nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the right under such contract shall first have been acquired by said district, and in acquiring such rights, the district may exercise the right of eminent domain. The secretary must, between the first Monday in March and the first Tuesday in September in each year, to and including the year 1923, and between the first Monday in March and the first Tuesday in November beginning with the year 1924 and each year thereafter, prepare an assessment roll with appropriate headings in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

FIRST, the name of the person to whom the property is assessed. If the name is not known to the secretary, the property shall be assessed to "unknown owners."

SECOND, Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds, or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

THIRD, In further columns with appropriate headings shall be specified the ratio of benefits, or, when deemed by the secretary more practicable, the per acre value, or the amount of benefits, for general and special district and local improvement district purposes, and the total amount assessed against each tract of land.

Any property which may have escaped assessment for any year or years, shall in addition to the

assessment for the then current year, be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Where the district embraces lands lying in more than one county the assessment roll shall be so arranged that the lands lying in each county shall be segregated and grouped according to the county in which the same are situated.

SEC. 12. That Section 6435 of Rem. & Bal. Code be amended to read as follows:

Section 6435. On or before the first Tuesday in September in each year to and including the year 1923, and on or before the first Tuesday in November beginning with the year 1924 and each year thereafter, the secretary must complete his assessment roll and deliver it to the board, who must immediately give a notice thereof, and of the time the board of directors, acting as a board of equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice, and in the meantime the assessment roll must remain in the office of the secretary for the inspection of all persons interested.

Equalization  
of assess-  
ments, notice  
of.

SEC. 13. That Section 6436 of Rem. & Bal. Code be amended to read as follows:

Section 6436. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long

Equalization  
of assess-  
ment, meet-  
ings for

as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may change the same as may be just. The secretary of the board shall be present during its session, and note all changes made at said hearing; and on or before the 30th day of October in each year to and including the year 1923, and on or before the 15th day of January beginning with the 1925 and each year thereafter he shall have the assessment roll completed as finally equalized by the board.

SEC. 14. That Section 6437 of Rem. & Bal. Code be amended to read as follows:

Amount of  
levy.

Section 6437. The Board of Directors shall in each year before said roll is delivered by the secretary to the respective county treasurers, levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and all payments due or to become due in the ensuing year to the United States or the State of Washington under any contract between the district and the United States or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington as in this act provided. Beginning in the year preceding the maturity of the first series of the bonds of any issue, the board must from year to year increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. Similar levy and assessment shall be made for the expense fund which shall include operation and maintenance costs for the ensuing year. The Board shall also at the time of making the annual levy, estimate the amount of all probable delinquencies on said levy and shall thereupon levy a sufficient amount to cover the same and a further

amount sufficient to cover any deficit that may have resulted from delinquent assessments for any preceding year.

It shall also be the duty of the board when making the levy in the years 1921, 1922 and 1923 to take into account the change of dates in the year 1924 and thereafter, and the board shall add a sufficient amount to the assessments levied in those years to take care of all obligations maturing before the due date of the assessment levied in 1924. The assessments, when collected by the county treasurer, shall constitute a special fund, or funds, as the case may be, to be called respectively, the "Bond Fund of ..... Irrigation District," the "Contract Fund of ..... Irrigation District," the "Expense Fund of ..... Irrigation District," and "Coupon Warrant Fund of ..... Irrigation District": *Provided*, That in districts acting as fiscal agent for the United States or the State of Washington such assessments may also be paid to the secretary of such districts when so authorized by the Board of Directors and under such rules and regulations as the board may adopt. The Secretary shall issue a receipt for such payments and shall be accountable on his official bond for the safe keeping of such funds and shall remit the same at least once each month to the treasurer of the county wherein the land is located on which payment was made. Upon receipt of such funds the county treasurer shall issue his official receipt therefor in like manner as though payment had been made direct to him by the land owner.

In case of neglect or refusal of the board of directors to cause such assessment or levy to be made as herein provided, then the assessment shall be made, equalized and levied by the board of county

Failure to  
make assess-  
ment or levy.

commissioners of the county in which the office of the board of directors is situated, and said board of county commissioners shall cause an assessment roll for the said district to be prepared and make the levy required by this chapter in the same manner and with like effect as if the same had been made by the said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

At the time of making the annual levy in the year preceding the final maturity of any issue of district bonds, the board of directors shall levy a sufficient amount to pay and redeem all bonds of said issue then remaining unpaid.

SEC. 15. That Section 6438 of Rem. & Bal. Code be amended to read as follows:

Section 6438. The assessment upon real property shall be a lien against the property assessed, from and after the first Monday in March in the year in which it is levied, but as between grantor and grantee such lien shall not attach until the first day in November of such year, until and including the year 1923 and the first Monday in February of the year 1925 and each year thereafter, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments and for general taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the

lien for all payments due or to become due under any contract with the United States, or the State of Washington accompanying which bonds of the district have not been deposited with the United States or the State of Washington, as in Section 6427 of Remington & Ballinger's Annotated Codes and Statutes of Washington provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

SEC. 16. That Section 6439 of Rem. & Bal. Code be amended to read as follows:

Section 6439. On or before the first day of November in each year to and including the year 1923, and on or before the fifteenth day of January in the year 1925, and each year thereafter the secretary must deliver the assessment roll or the respective segregations thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall on that date become due and payable. Within twenty days thereafter the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent at 5 o'clock in the afternoon of the 31st day of December next thereafter in each year to and including the year 1923 unless sixty per cent thereof shall then have been paid, and that if this [is] allowed to become delinquent, a penalty of five per cent thereof will be added to the amount thereof, and if sixty per cent thereof be paid on or before the said 31st day of December, the remainder thereof will not become delinquent until April 30th next following: *Provided*, That beginning with the year 1925 and each year thereafter, said notice shall state that

Collection of  
assessments,  
notice.

said assessments will become delinquent at 5 o'clock in the afternoon of the 31st day of May next thereafter unless fifty per cent thereof shall then have been paid, and that if thus allowed to become delinquent, a penalty of five per cent thereof will be added to the amount thereof, and if fifty per cent thereof be paid on or before the said 31st day of May, the remainder thereof will not become delinquent until November 30th next following. The notice shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district.

Upon receiving the assessment roll, the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessment.

Upon the payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed. On the 31st day of December of each year to and including the year 1923 unless sixty per cent shall have been paid as aforesaid, and on the 31st day of May in the year 1925 and each year thereafter unless fifty per cent shall have been paid as aforesaid, all unpaid assessments are delinquent, and thereafter the treasurer of the county in which the land is located must collect thereon for the use of the district the aforesaid

penalty of five per cent and interest at the rate of twelve per cent per annum from the date of delinquency.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

SEC. 17. That Section 6440 of Rem. & Bal. Code be amended to read as follows:

Section 6440. On or before the first day of February in each year to and including the year 1924, the county treasurer of the county in which the land is located shall cause to be posted the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due, opposite each name and description, in all cases where payment of sixty per cent (60%) of the assessment has not been made on or before the 31st day

Publication  
of delin-  
quency list,  
how made.

of December, next preceding; likewise on or before May 15th in each year to and including the year 1924, he must cause to be posted the delinquency list of all persons delinquent in the payment of the instalment of forty per cent (40%) as in this act provided. Also, on or before the 30th day of June, beginning with the year 1925 and each year thereafter, he must post the delinquency list, made up as aforesaid, in all cases where payment of fifty per cent (50%) of the assessment has not been made on or before the 31st day of May next preceding: likewise, on or before the 15th day of December beginning with the year 1925 and each year thereafter, he must post the delinquency list of all persons delinquent in the payment of the final instalment of fifty per cent (50%) as in this act provided. He must append to and post with the delinquency list a notice that unless the assessment delinquent, together with costs and percentages, are paid the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors and three copies in public places in each of the established voting precincts within the portion of said district lying in said county. Concurrent as nearly as possible with the date of the posting aforesaid, the said county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments, together with costs and percentages, are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notices must be published once a week for three successive weeks in a

newspaper of general circulation published in the county within which the land is located. But said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from date of posting and from the date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

SEC. 18. That Section 6441 Rem. & Bal. Code be amended to read as follows:

Section 6441. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessments due as shown on the delinquent list, five per cent of the amount thereof. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which postponement he must give notice at the time of making such postponement and between the hours of 10:00 o'clock A. M. and 3 o'clock P. M. the county treasurer making the sale must commence the same beginning at the head of the list, and continuing alphabetically or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of postponement, but the sale must be completed within three weeks from the first day fixed.

Sales, when  
and how  
made.

SEC. 19. That Section 6442 of Rem. & Bal. Code be amended to read as follows:

Section 6442. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the county treasurer by whom the sale is to be made, and prior to the sale, what portion of the property he

Sales, how  
conducted,  
certificate.

wishes sold, if less than the whole; but if the owner or possessor does not, then the treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including \$1.00 to the treasurer for duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said \$1.00. If the purchaser does not pay the assessment and costs before 10:00 o'clock A. M. the following day, the property must be re-sold on the next sale day for the assessments and costs. In case there is no purchaser in good faith for the same on the first day that the property is offered for sale, and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the irrigation district as the purchaser, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. An irrigation district, as a purchaser at said sale, shall be entitled to the same rights as a private purchaser, and may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were being made by the owner. If no redemption is made of land for which an irrigation district holds a certificate of purchase, the district will be entitled to receive a treasurer's deed therefor in the same manner as a private person would be entitled thereto and may convey the title so acquired, by deed, executed and acknowledged by the president and secretary of the board: *Provided,*

That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be made for a less sum than the reasonable market value of such property.

*Provided further,* That when lands shall have been deeded by the county treasurer to the district and if title shall remain vested in the district, and in the judgment of the board of directors, said sale shall have resulted from unavoidable accident, inadvertency, or misfortune and without intent on the part of the owner or person entitled to make redemption, to permit said assessments to become delinquent and the land to be sold, the board of directors may, pursuant to an order entered upon the minutes of the board, cause said land to be re-conveyed to the owner or person entitled to redemption within the period of one year after need is issued, upon the payment by the owner or person who would have been entitled to make redemption before deed, of the total amount of the assessments, penalty, costs of sale and interest at the rate of twelve per cent per annum, current assessments, and an additional penalty of twenty-five per cent of the amount for which the land was sold: *Provided further,* That this act shall apply to all sales made to an irrigation district prior to the date when this act becomes effective and the owner or other person rightfully seeking redemption thereof, shall be entitled to the benefit of this provision until one year subsequent to the date when this act becomes effective.

After receiving the amount of assessments and costs, the county treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the

amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the treasurer making the sale and one copy delivered to the purchaser, and the other filed in the office of the county treasurer of the county in which the land is situated: *Provided*, That upon the sale of any lot, parcel, or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents (25c) and in case of a sale to a person or a district, of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

SEC. 20. That Section 6443 of Rem. & Bal. Code be amended to read as follows:

Sales, record  
to be kept of.

Section 6443. The county treasurer, before delivering any certificate must file the same and enter in the assessment book opposite the description of the land sold, the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the description on the margin of the assessment book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

On filing the certificate of sale as provided in the preceding paragraph the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money and one per cent per month from the day of sale until redemption for the use of the purchaser.

SEC. 21. That Section 6444 of Rem. & Bal. Code be amended to read as follows:

Redemption,  
when made,  
deed.

Section 6444. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest within two years from the date of purchase,

by paying the amount of the purchase price and interest, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the irrigation district is the purchaser, the redemptioner shall pay in addition to the purchase price and interest, the amount of any assessments levied against said land during the period of redemption. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignee. No redemption shall be made except to the county treasurer of the county in which the land is situated.

Upon completion of redemption the county treasurer to whom redemption has been made shall enter the word "redeemed," the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within two years from the sale the county treasurer of the county in which the land sold is situated must make to the purchaser, or his assignees a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (25c) and when any person or district holds a duplicate certificate covering more than one tract of land, the

Deed to purchaser.

Fee.

several parcels, or tracts of land, mentioned in the certificate may be included in one deed.

SEC. 22. That Section 6449 of Rem. & Bal. Code be amended to read as follows:

Coupons and  
bonds, when  
paid.

Section 6449. Upon the presentation of the coupons due to the treasurer of said county, he shall pay the same from the bond fund belonging to such district and deposited with such treasurer. Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising in some daily newspaper for such period of time not less than four weeks as the board shall order for sealed proposals for the redemption of said bonds. Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided*, That no bond shall be redeemed under the foregoing provision at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer of said county, under the direction of the board, in United States gold bearing bonds, or the bonds of the State, which shall be kept in said bond fund, and may be used to redeem said district bonds whenever the holders thereof may desire.

SEC. 23. That Section 6451 of Rem. & Bal. Code be amended to read as follows:

Treasurer of  
district.

Receipts and  
disburse-  
ments.

Section 6451. The county treasurer of the county in which is located the office of any irrigation district shall be and is hereby constituted *ex-officio* district treasurer of said district, and any county treasurer

collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be the duty of the county treasurer of each county, in which lands of the district are located, to collect and receipt for all assessments and taxes levied as in this chapter provided. There shall be deposited with the county treasurer of the county in which the office of the board of directors is located, all sums collected for the defraying of the expenses of the district, whether said sums are collected by tolls, assessments or special assessments, and they shall be placed by the said county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing irrigation districts, or provided for by this chapter, and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him or any portion thereof, upon warrants drawn on the several funds, signed by the president and countersigned by the secretary of the district, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer. The said treasurer shall report, in writing, on the first Monday in each month to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing on the first Monday in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of

receipts for the month preceding and the amount and items of expenditures during the preceding month, and said report shall be filed in the office of the board.

SEC. 24. That Section 6456 of Rem. & Bal. Code be amended to read as follows:

Special as-  
sessment,  
how levied.

Section 6456. The board of directors may, at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this chapter including any purpose for which the bonds of the district or the proceeds thereof might be lawfully used. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of Section 6430. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used and the number of installments in which it is to be paid. At such election the ballot shall contain the words "Assessment Yes" and "Assessment No." If the majority of the votes cast are "Assessment Yes" the board may immediately or at intervals thereafter incur indebtedness to the amount of said special assessment for any of the purposes for which the proceeds of said assessment may be used, and may provide for the payment of said indebtedness by the issue and sale of coupon notes of the district to an amount equal to said authorized indebtedness, which coupon notes shall be payable in such equal installments not exceeding three in number as the board shall direct. Said coupon notes shall be payable by assessments levied at the time of the regular annual levy each year thereafter until fully paid. The amount of the assessments to be levied shall be ascertained by adding

fifteen per cent for [the] anticipated delinquencies to the whole amount of the indebtedness incurred and interest. Each assessment so levied shall be computed and entered on the assessment roll by the secretary of the board, and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid to the county treasurer of the county to the credit of said district, for the purposes specified in the notice of such special election: *Provided, however,* That the board of directors may at their discretion issue said coupon notes in payment for labor or material, or both, used in connection with the purposes for which such indebtedness was authorized. Coupon notes issued under this section shall bear interest at a rate not to exceed eight per cent per annum, payable semi-annually.

SEC. 25. That section 6457 of Rem. & Bal. Code be amended to read as follows:

Section 6457. The board of directors or other officers of the district shall have no power to incur any debt or liability whatsoever either by issuing bonds or otherwise in excess of the express provisions of this chapter: *Provided,* That the board may without an election and levy therefor pay the necessary costs and expenses of organizing and may make surveys, do engineering work, and conduct a general investigation to determine the feasibility of the proposed irrigation project, and may incur an indebtedness therefor prior to levy, which indebtedness on account of surveys, engineering and investigations shall not exceed fifty cents (50c) an acre, and shall be assessable against the lands within the district; and any such indebtedness heretofore incurred by any irrigation district and any such assessments levied or collected for surveys, engineering and investigation purposes are hereby ratified and

Excess liability void, exceptions.

validated. In cases of emergency making it necessary to incur indebtedness in order to continue the operation of the irrigation system or any part thereof, the board of directors may incur such indebtedness not exceeding such amount as shall be actually necessary to meet the requirements of said emergency, the same to be declared in a resolution of the board adopted prior to the incurring of said indebtedness: *Provided further*, That the board may incur such indebtedness as shall be necessary to enable them to carry on the ordinary administrative affairs of the district and if the district shall acquire an irrigation system prior to the making of its first regular annual levy, the board shall have power to incur such indebtedness as shall be necessary to pay the ordinary expenses of operation and maintenance until the regular annual levy shall be made.

Warrants.

The board may cause warrants of the district to be issued for the payment of any indebtedness incurred under this section, which warrants shall bear interest at a rate not to exceed eight per cent per annum, and it shall be the duty of the board to include in their next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue of this section.

Notwithstanding anything in this act contained the board of directors of every irrigation district shall have the power to issue as a general obligation of such district, coupon warrants in denominations not in excess of \$500, bearing interest evidenced by coupons payable semi-annually not to exceed eight per cent (8%) per annum. Such warrants shall mature in not more than five (5) years and may be used, or the proceeds thereof, in the purchase of grounds and buildings, machinery, vehicles, tools or other equipment for use in operation, main-

tenance, betterment, reconstruction or local improvement work, and for creating a revolving fund for carrying on such work as in this act provided. The proceeds of such warrants shall be turned over to the treasurer of the district who shall place the same in an appropriate fund and pay out the same upon warrants of the irrigation district properly drawn thereon. The maximum indebtedness hereby authorized shall not exceed one dollar (\$1.00) per acre of the total irrigable area within such irrigation district. No warrant shall be sold for less than par. Such warrants shall state on their face that they are a general obligation of the irrigation district, the purposes for which they may be used, and that they are payable on or before maturity. They shall be retired by assessments levied in accordance with the provisions of this act at the time other assessments are levied.

The board of directors of every irrigation district shall also be authorized in its discretion to accumulate by assessment a fund to be designated and known as the "Capital Fund" to be used for the purposes for which the aforesaid warrants may be used. The total of such fund shall not exceed one dollar (\$1.00) per acre of the total irrigable area within such irrigation district and shall be accumulated in not less than five (5) annual installments. Such fund shall not be permanently depleted or reduced but shall be replaced from year to year by assessments on any lands of the district benefited by the use thereof. The reasonable value of all grounds, buildings, machinery, vehicles, tools or other equipment on hand, purchased with such fund, and the revolving fund, if any, derived from such fund, shall be construed and deemed a part of such capital fund.

"Capital  
Fund."

SEC. 26. That section 6457-2 of Rem. & Bal. Code be amended to read as follows :

Petition for  
local im-  
provement,  
notice and  
hearing.

Section 6457-2. In the event that the said board shall approve said petition, the board shall fix a time and place for the hearing thereof and shall publish a notice once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven (7) days before such date. Such notice must be published in a newspaper of general circulation in each county in which any portion of the land proposed to be included in such local improvement district lies. Such notice shall state that the lands within said described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement ; that bonds for such local improvement district are proposed to be issued as the bonds of the irrigation district, that the lands within said local improvement district are to be assessed for such improvement and stating a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of bonds as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any land owner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such land and the board of directors in such cases shall, at its discretion, include such lands within such district. The board of directors may exclude any land specified in said notice from said district provided, that in the judgment of the board, the inclusion thereof will not be practicable.

As an alternative plan and subject to all of the provisions of this chapter, the board of directors may initiate the organization of a local improvement district as herein provided. To so organize a local improvement district the board shall adopt and record in its minutes a resolution specifying the lands proposed to be included in such local improvement district or by describing the exterior boundaries of such proposed district or by both. Said resolution shall state generally the plan, character and extent of the proposed improvements, that the land proposed to be included in such improvement district will be assessed for such improvements; that coupon bonds of the irrigation district will be issued to meet the cost thereof and that such bonds will be a primary obligation of such local improvement district and a general obligation of the irrigation district. Said resolution shall fix a time and place of hearing thereon and shall state that unless a majority of the holders of title or of evidence of title to lands within the proposed local improvement district file their written protest at or before said hearing, consent to the improvement will be implied.

A notice containing a copy of said resolution must be published once a week for two consecutive weeks preceding the date of such hearing and the last publication shall not be more than seven (7) days before such date and the hearing thereon shall not be held in less than twenty (20) days from the adoption of such resolution. Such notice must be published in one newspaper, of general circulation, in each county in which any portion of the land proposed to be included in such local improvement district lies. Said hearing shall be held and all subsequent proceedings conducted in accordance with the provisions of this act relating to the organization

of local improvement districts initiated upon petition.

SEC. 27. That section 6457-3 of Rem. & Bal. Code be amended to read as follows:

Adoption of plans.

Section 6457-3. If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of annual installments not exceeding fifteen (15) in which the cost of said improvement shall be paid. The cost of said improvement shall be provided for by the issuance of local improvement district coupon bonds of the district from time to time, therefor, either directly for the payment of the labor and material or for the securing of funds for such purpose. Said bonds shall bear interest at a rate not to exceed eight per cent (8%) per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as bonds of the irrigation district; that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said bonds and that said bonds are also a general obligation of the said district. No bond shall be issued in denomination exceeding one thousand dollars (\$1,000.00) and no bond shall be sold for less than par.

Bond issue.

No election shall be necessary to authorize the issuance of such local improvement bonds. Such bonds, when issued, shall be signed by the president and secretary of the irrigation district with the seal of said district affixed and shall be registered by the treasurer of the irrigation district with his seal affixed.

The proceeds from the sale of such bonds shall be deposited with the treasurer of the district, who shall place them in a special fund designated "Con-

struction fund of local improvement district number.....”

Whenever such improvement district has been organized, the boundaries thereof may be enlarged to include other lands which can be served or will be benefited by the proposed improvement upon petition of the owners thereof: *Provided*, That at such time the lands so included shall pay their equitable proportion upon the basis of benefits of the improvement theretofore made by the said local improvement district and shall be liable for the indebtedness of the said local improvement district in the same proportion and same manner and subject to assessment as if said lands had been incorporated in said improvement district at the beginning of its organization.

Extension of boundaries.

SEC. 28. That section 6457-4 of Rem. & Bal. Code be amended to read as follows:

Section 6457-4. 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 in this act provided for the assessments of construction costs.

Special assessments.

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 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.....”

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.

SEC. 29. That section 6457-5 of Rem. & Bal. Code be amended to read as follows:

Section 6457-5. In the event of the failure of the lands within the local improvement district to furnish money sufficient for the payment of principal or interest of the bonds for such local improvement work and there shall be a default in the payment of principal or interest as aforesaid, the amount delinquent shall be paid by the general warrants of the irrigation district at large, but the lands of the local improvement district shall not thereby become released from liability for special assessment therefor. Such warrants, if issued, shall be redeemed as

Payment of  
bonds.

soon as there shall be available money in the bond redemption fund of the local improvement district.

SEC. 30. That section 6457-6 of Rem. & Bal. Code be amended to read as follows:

Section 6457-6. It shall be lawful for any irrigation district which has issued local improvement district bonds for said improvements, as in this chapter provided, to issue in place thereof an amount of general bonds of the irrigation district not in excess of such issue of local improvement district bonds, and to sell the same, or any part thereof, or exchange the same, or any part thereof, with the holders of such previously issued local improvement district bonds for the purpose of redeeming said bonds: *Provided, however,* That all the provisions of this chapter regarding the authorization and issuing of bonds shall apply, and: *Providing, further,* That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessments for the payment thereof: *And provided further,* That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or local improvement district bonds herein provided for, shall be deemed a prior lien.

Refunding  
bonds.

SEC. 31. That section 6457-7 of Rem. & Bal. Code be amended to read as follows:

Section 6457-7. Any irrigation district may contract with the United States, or the State of Washington, for local improvement work, and for such purpose may form local improvement districts as herein provided.

Contracts  
with U. S. or  
state for im-  
provement.

Authorization of local improvement district bonds or of contract with the United States, or the State of Washington, for local improvement work may be confirmed in the same manner as provided in sections 6490 to 6494, inclusive.

SEC. 32. That section 6462 of Rem. & Bal. Code be amended to read as follows :

Change of  
boundaries.

Section 6462. The boundaries of any irrigation district now or hereafter organized under the provisions of this chapter may be changed in the manner herein prescribed, but such change of the boundaries of the district shall not impair or affect its organization, or its rights in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair or discharge any contract, obligation, lien or charge for or upon which it was or might become liable or chargeable, had such change of its boundaries not been made, except as hereinafter expressly in section 6475 prescribed: *Provided*, That in case contract has been made between the district and the United States, or the State of Washington, as in section 6427 provided, no change shall be made in the boundaries of the district, and the board of directors shall make no order changing the boundaries of the district until the secretary of the interior, or the state reclamation board, or the director of conservation and development shall assent thereto in writing and such assent be filed with the board of directors.

SEC. 33. That section 6464, Rem. & Bal. Code, be amended to read as follows :

Notice of  
petition.

Section 6464. The secretary of the board of directors shall cause a notice of the filing of such petition to be posted and published in the same manner and for the same time that notice of special elections for the issue of bonds are required by this chapter to be given. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition, and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to ap-

pear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this chapter.

SEC. 34. That section 6471, Rem. & Bal. Code, be amended to read as follows:

Section 6471. Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the offices of county auditor and county assessor of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid had been included therein at the original organization of the district.

Record of  
change of  
boundary.

SEC. 35. That section 6475 of Rem. & Bal. Code be amended to read as follows:

Section 6475. The boundaries of any irrigation district or consolidated irrigation district, now or hereafter organized under the provisions of this chapter, may be changed, and tracts of land which were included within the boundaries of such district, or former irrigation districts which were included within the boundaries of such consolidated district, at or after its organization under the provisions of this chapter, may be excluded therefrom

Exclusion of  
land from  
district.

in the manner herein prescribed; but neither such change of the boundaries of the district or consolidated district, nor such exclusion of lands from the district, nor such exclusion of a former district from a consolidated district, shall impair or affect its organization or the rights of the district in or to property, except that all property of a consolidated district, the title to which was derived from a former district by, and at the time of, the consolidation shall revert to and become the property of such former district when re-established as herein provided; nor shall it affect, impair or discharge any contract, obligation, lien, or charge for or upon which such district or such consolidated district was or might become liable or chargeable had such change of its boundaries not been made, or had not any such land been excluded from such district, or any such former district been excluded from such consolidated district, unless the holders of such lien, obligation, charge or contract right chargeable against the district, or consolidated district consent to such exclusion in the manner hereinafter provided in section 6480 for the consent of the bondholders.

SEC. 36. That section 6476 of Rem. & Bal. Code be amended to read as follows:

Section 6476. The owner or owners in fee of one or more tracts of land which constitute a portion of an irrigation district, or fifty or a majority of the holders of title to lands constituting any portion of an irrigation district, or consolidated district as the case may be, for which lands similar grounds for exclusion may exist, or fifty or a majority of the holders of title to lands which constituted a former irrigation district included with a consolidated district, may file with the board of directors of such district, or of such consolidated district, as the case may be, a petition praying that such tracts, and any

Petition for  
exclusion.

other tracts contiguous thereto, or such land which constituted such former district, may be excluded and taken from said district, or consolidated district, as the case may be, and in the latter case that such former district may be re-established. The petition for the exclusion of tracts of land from a district shall describe the boundaries of the land which the petitioners desire to have excluded from the district, and also describe the land of such of said petitioners which are included within such boundaries; but the description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor. The petition for the exclusion of a former district from a consolidated district shall give the corporate name and number of such former district and shall describe the lands of each of said petitioners by legal sub-division or lot and block numbers and name of city, town or addition of platted lands. Every such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

SEC. 37. That section 6477 of Rem. & Bal. Code be amended to read as follows:

Section 6477. The secretary of the board of directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the board of directors is situated, and if any portion of such territory to be excluded lies within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in said district,

Notice of  
petition for  
exclusion.

and in case of the posting of said notices, one of said notices must be so posted on the lands, or within the boundaries of the former district, proposed to be excluded. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands, or the name and number of the former district, mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

SEC. 38. That section 6478 of Rem. & Bal. Code be amended to read as follows:

Hearing of  
petition.

Section 6478. The board of directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition, and all objections thereto presented in writing, by any person showing cause, as aforesaid, why the prayer of said petition should not be granted. The failure of any person interested in said district or consolidated district to show cause, in writing, why the tract or tracts of land mentioned in said petition should not be excluded from said district, or the former district mentioned should not be excluded from the consolidated district, as the case may be, shall be deemed and taken as an assent by him to such exclusion, and the filing of such petition with such board, as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to such exclusion.

SEC. 39. That section 6479 of Rem. & Bal. Code be amended to read as follows :

Section 6479. The board of directors, if they deem it not for the best interest of the district, or consolidated district, as the case may be, that the lands, or the former district, mentioned in the petition, or some portion thereof, should be excluded from said district, or consolidated district, shall order that said petition be denied ; but if they deem it for the best interests of the district, or consolidated district, as the case may be, that the lands, or the former district, as the case may be, be excluded from the district, or consolidated district, and if no person interested in the district shows cause, in writing, why the prayer of the petition should not be granted, or if having shown cause withdraws the same, and also, if there be no outstanding bonds of the district, and no contract between the district and the United States, or the state of Washington, then the board may order that the lands mentioned in the petition, or some defined portion thereof, or the former district mentioned in the petition, be excluded from the district, or consolidated district, as the case may be, and the former district be re-established.

Board may  
exclude  
lands, when.

SEC. 40. That section 6480 of Rem. & Bal. Code be amended to read as follows :

Section 6480. If there be outstanding bonds of the district, or consolidated district, as the case may be, or if such district shall have entered into a contract with the United States, or the State of Washington, then the board may adopt a resolution to the effect that the board deems it to the best interest of the district that the lands mentioned in the petition, or some portion thereof, or the former district mentioned in the petition, as the case may be, should be excluded from the district, or consolidated district, and the former district re-established. The resolu-

Assent of  
bondholders,  
when re-  
quired.

tion shall describe such lands so that the boundaries can readily be traced, or shall give the corporate name and number of the former district. The holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the board may make an order by which the lands, or the former district, mentioned in the resolution may be excluded from the district, and in case contract has been made with the United States, or the state of Washington, the Secretary of the Interior, or the State Reclamation Board, or the Director of Conservation and Development may assent to such change. The assent must be acknowledged by the several holders of such bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect, as evidence, as the acknowledgment of such conveyance. The assent of the Secretary of the Interior need not be acknowledged. The assent shall be filed with the board, and in the office of the county clerk in each county comprised within the district and must be recorded in the minutes of the board; and said minutes, or certified copy thereof, shall be admissible in evidence with the same effect as the said assent; but if such assent of the bondholders, and in case of contract with the United States, or the state of Washington, such assent of the Secretary of the Interior, or the state reclamation board or the director of conservation and development, be not filed, the board shall deny and dismiss said petition.

SEC. 41. That section 6481 of Rem. & Bal. Code be amended to read as follows:

Section 6481. If the assent aforesaid of the holders of said bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid, which have not been withdrawn, then the board may order an

Election to  
exclude land.

election to be held in each district to determine whether an order shall be made excluding said land from said district, or excluding said former district from said consolidated district, as the case may be, and such former district be re-established, as mentioned in said resolution. The notice of such election shall describe the boundary of all lands, or shall give the corporate name and number of the former district, which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election, in a newspaper published within the county where the office of the board of directors is situated; and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of such counties. Such notice shall require the electors to cast ballots, which shall contain the words "For exclusion" and "Against exclusion", or words equivalent thereto. Such election shall be conducted in the manner prescribed in this chapter for the holding of special elections on the issuance of bonds. In every case where the petition is for the exclusion of a former district from a consolidated district the resolution of the board ordering an election shall provide for the holding of such election separately in the territory comprising such former district and in the territory comprising that portion of the consolidated district not included in such former district, and for canvassing and counting of the votes cast at such election separately.

SEC. 42. That section 6482 of Rem. & Bal. Code be amended to read as follows:

Section 6482. If at any such election a majority of all the votes cast shall be against exclusion the board shall deny and dismiss said petition and proceed no further in said matter; but if in the case of a petition for the exclusion of lands from a district a

Action of  
board upon  
result of  
election.

majority of such votes be in favor of the exclusion of said lands from the district, the board shall thereupon order that the said lands mentioned in said resolution be excluded from the district; if in the case of a petition for the exclusion of a former district from a consolidated district, a majority of the votes cast in such former district shall be against exclusion, or a majority of the votes cast in the remaining portion of the consolidated district shall be against exclusion, the board shall deny and dismiss the petition and proceed no further in the matter; but if in the case of a petition for such exclusion of a former district a majority of the votes cast in such former district and a majority of the votes cast in the remaining portion of the consolidated district shall be in favor of the exclusion of such former district, the board shall thereupon order that the lands comprising such former district be excluded from the consolidated district and that such former district shall be and is re-established as an irrigation district created and established under the provision of this chapter and that the title to all property formerly belonging to, and all property within the boundaries of said former district, shall be and is vested in such re-established district, and shall call an election to be held in such re-established district for the election of a board of directors thereof, and direct the publication of notices of such election in the manner provided in this chapter for the publication of notice of special elections. The board entering such order shall continue to administer the affairs of such re-established district until the directors elected at such election shall have qualified.

The said order excluding land from a district shall describe the boundaries of the district, should the exclusion change the boundaries of the district, and in case of the exclusion of a former district from

a consolidated district, shall describe the boundaries of the re-established district and the boundaries of the district remaining; and for that purpose the board may cause a survey to be made of such portions of the boundaries as the board may deem necessary.

SEC. 43. That section 6483 of Rem. & Bal. Code be amended to read as follows:

Section 6483. Upon the entry in the minutes of the board of any of the orders hereinbefore mentioned, a copy thereof, certified by the president and the secretary of the board, shall be filed for record in the offices of the county auditor and the county assessor of each county within which are situated any of the lands of the district, and thereupon said district, and said consolidated district and said re-established district, if any, shall each be and remain an irrigation district as fully, as to every intent and purpose, as it would be had no change been made in the boundaries thereof, or had the lands excluded therefrom never constituted a portion thereof.

Orders to be recorded.

SEC. 44. That section 6488 of Rem. & Bal. Code be amended to read as follows:

Section 6488. In case of the exclusion of any lands under the provisions of this act, the board of directors shall determine what refund, if any, shall be made to any person or persons who have paid any assessments to such district on any lands so excluded, but such refund, if any, shall be on a basis equitable alike to lands remaining in the district and lands excluded therefrom. Such payment shall be made in the manner as other claims against the district, and from such fund or funds as the board of directors may designate, and which may be legally applied to such payments. The board may, in its discretion, determine what portion, if any, of the assessments

Assessments to be refunded.

remaining unpaid shall be cancelled. Said cancellation, if any, shall be accomplished by an order entered upon the minutes of the board and certified to the office of the county treasurer. Upon the filing of such certified order, said assessments, or any portion thereof, cancelled by said order shall be marked "Cancelled" upon the treasurer's records. The lien of such portion of said assessments, if any, as the board shall refuse to cancel, shall continue against the lands excluded, and the district shall retain all of its rights as to such assessments or portions thereof as if said lands had not been excluded.

SEC. 45. That section 6489 of Rem. & Bal. Code be amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district whether said bonds or any of them have or have not then been sold, may be judicially examined, approved and confirmed, or in case a contract shall have been made by an irrigation district for the payments of moneys to the United States, or the state of Washington, and bonds be not deposited with the United States or the state of Washington, as in section 6427: *Provided*, The board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

Special proceedings to confirm bonds or U. S. or state contracts.

SEC. 46. That section 6491 of Rem. & Bal. Code be amended to read as follows :

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district or in the proceedings for the issue of sale of said bonds or for the authorization of contract with the United States, or the state of Washington, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of.....irrigation district (giving its name) praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district or for the authorization of contract with the United States, or the state of Washington, may be examined, approved, and confirmed by said court.

Procedure upon filing petition.

SEC. 47. That section 6493 of Rem. & Bal. Code be amended to read as follows :

Section 6493. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the

Powers of court.

legality of the formation of said district or the legality or validity of said bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States, or the state of Washington. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Repealing  
clause.

SEC. 48. Sections 6432-1 to 6432-5 both inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington and Chapter 154 of the Laws of 1919 are hereby repealed.

Partial  
invalidity.

SEC. 49. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Emergency.

SEC. 50. That sections 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 of this act are necessary for the immediate preservation of the public health and the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 14, 1921.

Passed the Senate March 5, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 130.

[S. B. 134.]

## PORT DISTRICTS.

AN ACT providing for the enlargement of port districts.

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

SECTION 1. At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state, in which there exists a port district which is not co-extensive with the limits of the county, shall, on petition of the commissioners of such port district, by resolution, submit to the voters of such county, or to the voters residing within the limits of the enlarged port district, including the voters residing within the limits of the existing port district, described in such petition, the proposition of enlarging the limits of such port district so as to include therein the whole of the territory embraced within the boundaries of such county, or such territory as may be described in said petition by legal subdivisions. Such petition shall be filed with the county auditor, who shall forthwith transmit the same to the board of county commissioners, who shall submit such proposition at the next general election, or, if such petition so request, the board of county commissioners shall, at their first meeting after the date of filing such petition, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of filing said petition. The notice of election shall state the boundaries of the proposed enlarged port district and the object of the special election. In submitting said question to the voters for their approval or rejection, the propo-

Election on enlargement of district.

sition shall be expressed on the ballots substantially in the following terms:

“Enlargement of the port of . . . . ., yes.”  
(Giving the name of the port district which it is proposed to enlarge);

“Enlargement of the port of . . . . ., no.”  
(Giving the name of the port district which it is proposed to enlarge).

Such election, whether general or special, shall be held in each precinct wholly or partially embraced within the limits of the proposed enlarged port district and shall be conducted and the votes cast thereat counted, canvassed, and the returns thereof made in the manner provided by law for holding general or special county elections.

SEC. 2. If a majority of all the votes cast at any such election upon the proposition of enlarging such port district shall be for the “Enlargement of the port of . . . . ., yes” then and in that event the board of county commissioners shall enter an order declaring such port district enlarged so as to embrace within the limits thereof the territory described in the petition for such election, and thereupon the boundaries of said port district shall be so enlarged and the commissioners thereof shall have jurisdiction over the whole of said district as enlarged to the same extent, and with like power and authority, as though the additional territory had been originally embraced within the boundaries of the existing port district: *Provided, however,* That none of the lands or property embraced within the territory added to and incorporated within such port district shall be liable to assessment for the payment of any outstanding bonds, warrants or other indebtedness of such original port district, but such outstanding bonds, warrants or other indebtedness, to-

gether with interest thereon, shall be paid exclusively from assessments levied and collected on the lands and property embraced within the boundaries of the pre-existing port district.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 131.

[S. B. 143.]

### REPEAL OF ACT ESTABLISHING WENATCHEE WATERSHED RESERVE.

AN ACT relating to irrigation and repealing chapter 31 of the  
Laws of 1913.

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

SECTION 1. That chapter 31 of the Laws of 1913 <sup>Repealing  
clause.</sup>  
be and the same is hereby repealed.

Passed the Senate February 26, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 132.

[S. B. 136.]

## BONDS OF COUNTY COMMISSIONERS.

AN ACT relating to the bonds of county commissioners, and amending section 3877 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 3877 of Rem. & Bal. Code be amended to read as follows:

SECTION 3877. Each county commissioner in this state, before he enters upon the duties of his office, shall give a bond to the county, with at least two sureties thereon, in the amount hereinafter specified; which bond and the sureties thereon shall be approved by the clerk of the superior court of the proper county. The said bond, when so approved, shall be filed and recorded by said clerk in his office. Said bond shall be payable to the county, and the same shall be conditioned that such commissioner shall well and faithfully discharge the duties of his office, and not approve, audit or order paid any illegal, unwarranted or unjust claim against the county for personal services: *Provided*, That the county commissioners heretofore elected, and who shall have already entered upon the duties of their office, shall have ninety days from and after the day this act goes into effect in which to make and file their bonds. The amount for which said bond shall be given is as follows:

In class A counties, twenty-five thousand dollars (\$25,000.00);

In counties of the first class, twenty-five thousand dollars (\$25,000.00);

In counties of the second class, twenty-two thousand five hundred dollars (\$22,500.00);

Bonds re-  
quired.

In counties of the third class, twenty thousand dollars (\$20,000.00);

In counties of the fourth class, fifteen thousand dollars (\$15,000.00);

In counties of the fifth class, ten thousand dollars (\$10,000.00);

In counties of the sixth class, seven thousand five hundred dollars (\$7,500.00);

In counties of the seventh and eighth classes, five thousand dollars (\$5,000.00);

In counties of any other lower class, two thousand dollars (\$2,000.00).

Passed the Senate February 26, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 133.

[S. B. 298.]

### CLASS "A" COUNTIES.

AN ACT relating to the powers and duties of class "A" counties and the officers thereof, and declaring an emergency.

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

SECTION 1. All provisions of law relative to the powers and duties of first class counties and the officers thereof shall apply with equal force to class "A" counties, except as otherwise provided by law.

Provisions relative to first class counties applicable.

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

Emergency.

Passed the Senate March 3, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 134.

[S. B. 211.]

## COUNTY ROADS OVER AND ALONG DIKES.

AN ACT relating to the establishment of highways across and along dikes.

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

Power to  
establish.

SECTION 1. The board of county commissioners of any county shall have the power to establish county roads over, across or along any dike maintained by any diking, or diking and drainage district, in the manner provided by law for establishing county roads over or across private property, and shall determine and award the damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: *Provided*, That every such road shall be so constructed, maintained and used as not to impair the use of the dike.

Proceedings  
to procure  
right-of-way.

SEC. 2. If any award of damages is not accepted in the manner provided by law, it shall be deemed rejected, and the board, by order, shall direct proceedings to procure the right-of-way to be instituted in the superior court of the county by the prosecuting attorney of the county in the manner provided by law for the taking of private property for public use, and to that end the board is hereby authorized to institute and maintain in the name of the county such proceedings as against the diking, or diking and drainage district, and the owners of any land on which the dike is located that have failed to accept the award of damages made by the board.

Passed the Senate March 3, 1921.

Passed the House March 10, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 135.

[S. B. 125.]

## JUVENILE COURTS AND COURT COMMISSIONERS.

AN ACT relating to juvenile courts and court commissioners, and amending section 1987-2 of Remington & Ballinger's Annotated Codes and Statutes of Washington, (Sec. 594 Pierce's Washington Code).

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

SECTION 1. That section 1987-2 of Rem. & Bal. Code be amended to read as follows:

Section 1987-2. The superior courts in the several counties of this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act, any person interested therein may demand a jury trial, or the judge of his own motion may order a jury to try the case. In counties containing thirty thousand or more inhabitants, the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session to be designated as the "Juvenile Court session" shall be provided for the hearing of such cases and the findings of the court shall be entered in a book or books kept for the purpose, and known as the "Juvenile Record", and the court may, for convenience, be called the "Juvenile Court". In counties in which there is no resident judge of the superior court the court commissioner shall have the power, authority and jurisdiction, concurrent with the superior court and the judge thereof, to hear all matters relating to dependent and delinquent children arising under the Juvenile Court Law, and if he shall find that the best interests of any such dependent or delinquent child will be subserved by committing him to the care of

Jurisdiction  
of superior  
courts.

Jurisdiction  
of court  
commis-  
sioner.

some reputable citizen of good moral character until such time as the judge may attend and hold court in the county he shall be authorized and empowered so to do; but if he shall find that the best interests of said child require that he be committed to a suitable institution or to some training school or industrial school as provided by law, or to the care of some association willing to receive him, embracing in its objects the purpose of caring for or obtaining homes for dependent, neglected or delinquent children, he shall refer the case to the judge of the superior court for hearing as soon as the same can be conveniently heard.

Passed the Senate February 15, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 136.

[S. B. 126.]

### NORMAL SCHOOL EXTENSION WORK.

AN ACT relating to tuition fees for state normal school extension work, and amending section 4373 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4373 of Rem. & Bal. Code be amended to read as follows:

Section 4373. No charge shall be made against any student for tuition in any of the normal schools contemplated by this act: *Provided*, That the boards of trustees of such schools are hereby authorized and empowered to charge such fees for extension work provided for under section 5 of chapter 128 of the Laws of 1917 as the boards of trustees of the several

normal schools shall by joint action determine; all fees collected to be paid into a revolving fund of the school collecting the same, and to be held by the trustees of such school and used and expended by such trustees in carrying on the extension work of such school, and to be accounted for in accordance with existing laws. All students shall be required to furnish satisfactory evidence of good moral character, and any student may be suspended or expelled from any state normal school contemplated by this act who is found to be immoral, or who has refused to comply with its rules and regulations for its government.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 137.

[S. B. 214.]

### PUBLIC AND TERMINAL WAREHOUSES.

AN ACT relating to the regulation of the facilities, rates and service of the public and terminal ware houses for receiving, handling, storing and delivering grain, hay and peas.

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

SECTION 1. The director of public works shall have the power and it shall be his duty, through and by means of the division of public utilities, to exercise general supervision over the facilities, rates and service of public and terminal warehouses, as those terms are defined in chapter 189, Laws of 1919, for the receiving, handling, storing and delivering of grain, hay and peas, and to that end shall make all necessary rules and regulations for carrying out and

Supervision  
over.

enforcing the provisions of this act. In carrying out and enforcing the provisions of this act and in exercising the jurisdiction herein conferred, the procedure shall be the same as that provided by chapter 189, Laws of 1919, for exercising and carrying out the jurisdiction and powers therein conferred.

Scope of act. SEC. 2. This act shall not be construed as repealing directly or by implication any of the provisions of chapter 189, Laws of 1919, but is intended to confer additional power and jurisdiction upon the director of public works.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 138.

[S. B. 87.]

### RAILROAD AND HIGHWAY CROSSINGS.

AN ACT relating to existing and proposed railroad and highway crossings and to the changing and elimination of such crossings, and amending sections 4 and 6 of chapter 30, Session Laws of 1913.

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

SECTION 1. That section 4 of chapter 30 of the Session Laws of 1913, be and the same is hereby amended to read as follows:

Petition to  
change  
crossing.

Section 4. The mayor and city council, or other governing body of any city or town, or the county commissioners of any county within which there exists any under-crossing, over-crossing or grade crossing, or where any street or highway is proposed to be located or established across any railroad, or any railroad company whose road is crossed by any highway, may file with the commission their or its

petition in writing, alleging that the public safety requires the establishment of an under-crossing or over-crossing, or an alteration in the method and manner of an existing crossing, and its approaches, or in the style and nature of construction of any existing over-crossing, under-crossing or grade crossing, or a change in the location of an existing highway or crossing, the closing or discontinuance of an existing highway crossing, and the diversion of travel thereon to another highway or crossing, or if not practicable, to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel and praying that the same may be ordered. If the existing or proposed crossing is on a state road or highway the petition may be filed by the state highway commissioner. Upon such petition being filed, the commission shall fix a time and place for hearing the petition and shall give not less than ten days' notice thereof to the petitioner, the railroad company and the municipality or county in which the crossing is situate. If the highway involved is a state highway like notice shall be given to the state highway commissioner. If the change petitioned for requires that private lands, property, or property rights be taken, damaged, or injuriously affected to open up a new route for the highway, or requires that any portion of any existing highway be vacated and abandoned, ten days' notice of the hearing shall be given to the owner or owners of the private lands, property, and property rights which it is necessary to take, damage or injuriously affect, and to the owner or owners of the private lands, property, or property rights that will be affected by the proposed vacation and abandonment of the existing highway. The commission shall also cause said notice of hear-

Hearing.

ing to be published once in some newspaper of general circulation in the community where such crossing is situate, which publication shall appear at least two days prior to the date of hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence. At the conclusion of the hearing the commission shall make and file its written findings of fact concerning the matters inquired into in like manner as provided in the preceding section for findings of fact upon petition for new crossings. The commission shall also enter its order based upon said findings of fact, which shall specify whether the highway shall continue at grade or whether it shall be changed to cross over or under the railroad in its existing location or at some other point, and whether an over-crossing or under-crossing shall be established at the proposed location of any street or highway or at some other point, or whether the style and nature of construction of an existing crossing shall be changed, or whether said highway shall be closed and travel thereon diverted to another channel, or any other change that the commission may find advisable or necessary. In case the order made requires that private lands, property, or property rights be taken, damaged or injuriously affected, the right to take, damage or injuriously affect the same shall be acquired as hereinafter provided.

Any petition herein authorized may be filed by the commission on its own motion, and proceedings thereon shall be the same as herein provided for the hearing and determination of a petition filed by a railroad company.

SEC. 2. That section 6 of chapter 30, Session Laws of 1913, be and the same is hereby amended to read as follows:

## Section 6. Apportionment of Cost of Crossings.

## SUBDIVISION A.

Whenever, under the provisions of this act, new railroads are constructed across existing highways, or highway changes are made either for the purpose of avoiding grade crossings on such new railroads, or for the purpose of crossing at a safer and more accessible point than otherwise available, the entire expense of crossing above or below the grade of the existing highway, or changing the route thereof, for the purpose mentioned in this subdivision, shall be paid by the railroad company.

Railroad to pay cost of construction.

## SUBDIVISION B.

Whenever, under the provisions of this act, a new highway is constructed across a railroad, or an existing grade crossing is eliminated or changed, or the style and nature of construction of an existing crossing is changed, the entire expense of constructing an over-crossing, under-crossing, or safer grade crossing, or changing the nature and style of construction of an existing crossing, including the expense of constructing approaches to such crossing and the expense of securing rights-of-way for such approaches, as the case may be, shall be apportioned by the commission between the railroad, municipality or county affected, or if the highway is a state road, between the railroad and the state, as justice may require, regard being had for the benefits accruing to the railroad, municipality, county or state by reason of the improvement. If the highway involved is a state road, the amount not apportioned to the railroad company shall be paid as provided by law for constructing such state road. When an existing grade crossing is ordered eliminated by the construction of an over-crossing or under-crossing, the commission may in its discretion pay an amount not to

Railroad to pay part of cost when.

exceed ten per cent of the cost thereof out of the appropriation provided in this act, and in such case the state auditor is hereby authorized and required upon the requisition of the commission, to draw warrants on the state treasury payable to the party designated by the commission for such amount, and the state treasurer is hereby authorized and required to pay such warrants on presentation.

#### SUBDIVISION C.

Whenever two or more lines of railroad owned or operated by different companies cross a highway, or each other, by an over-crossing, under-crossing or grade crossing required or permitted by this act or by an order of the commission, the portion of the expense of making such crossing not chargeable to any municipality, county or to the state, shall be apportioned between said railroad companies by the commission unless said companies shall mutually agree upon an apportionment. If it becomes necessary for the commission to make an apportionment between the railroad companies, a hearing for that purpose shall be held, at least ten days' notice of which shall be given.

Passed the Senate February 28, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

Apportionment of costs between railroads.

## CHAPTER 139.

[S. B. 160.]

## UNIVERSITY OF WASHINGTON STUDENT FEES.

AN ACT relating to a system of student fees in the University of Washington and providing for the collection and disposal of the same, and amending sections 1, 2, 3 and 4, and repealing section 5 of chapter 63 of the Laws of 1919.

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

SECTION 1. That section 1 of chapter 63 of the Laws of 1919 be amended to read as follows:

Section 1. The University of Washington shall charge to and collect from each of the students registering therein the following fees: (a) A general tuition fee of fifteen dollars (\$15.00) per quarter from each person domiciled in this state or the territory of Alaska for the period of one year prior to registration, and fifty dollars (\$50.00) each per quarter from all others. (b) Special tuition fees to include fees for summer session, short courses, marine station work, correspondence or extension courses, individual instruction fees, and such other special tuition fees as may be established by the board of regents of the university from time to time. (c) A library fee of ten dollars (\$10.00) per quarter for law, for each student registered in law, for the law library. (d) Student deposit, disciplinary, laboratory, library, gymnasium, hospital or health fees, and such other fees as may be established by the board of regents from time to time, the fees mentioned in this subdivision to be deposited or paid by each student required to deposit or pay same under rules to be prescribed by said board.

Student fees.

SEC. 2. That section 2 of chapter 63 of the Laws of 1919 be amended to read as follows:

Section 2. All general tuition fees mentioned in subdivision (a) of section 1 of this act shall, within

Fees credited to building fund.

thirty-five (35) days from the date of collection thereof, be paid into the state treasury and by the state treasurer shall be credited as follows: Ten dollars (\$10.00) from each student to the "University of Washington Building Fund" and the balance to the "University of Washington Fund". The sum so credited to the "University of Washington Building Fund" shall be used exclusively for the purpose of erecting, altering, maintaining, equipping or furnishing buildings constructed under the act of March 15th, 1915, being chapter 66 of the Laws of 1915 and the acts amendatory thereto.

SEC. 3. That section 3 of chapter 63 of the Laws of 1919 be amended to read as follows:

Fees credited  
to revolving  
fund.

Section 3. Said fees mentioned in subdivisions (b), (c) and (d) of section 1 of this act shall be held by the said board of regents as a revolving fund and expended for the purposes for which collected, and be accounted for in accordance with the existing law.

SEC. 4. That section 4 of chapter 63 of the Laws of 1919 be amended to read as follows:

Refund of  
fees.

Section 4. The fees mentioned in subdivision (a) of section 1 of this act are not returnable except in case of sickness or causes entirely beyond the control of the student. No portion of the returnable fees shall be returned for voluntary or enforced withdrawal after thirty (30) days from the date of registration of the student. Students withdrawing under discipline forfeit all rights to the return of any portion of the fee. In no case shall more than one-half of the fees be refunded.

Who exempt  
from pay-  
ment of fees.

SEC. 5. The board of regents may exempt the following classes of persons from the payment of the fees mentioned in subdivisions (a) and (b) of section 1 of this act except for the individual instruction fees mentioned in said subdivision (b): (1) All honorably

discharged service men or women who served in the military or naval service of the United States during the late World War; and all honorably discharged service men who served in the military or naval services of any of the governments associated with the United States during the said war, provided they were citizens of the United States at the time of their enlistment and who are again citizens at the time of their registration in the university. If any such service men have not been domiciled in this state for one year prior to registration said board may exempt them up to one-half of the fee payable by other non-domiciled students. (2) Members of the staff of the University of Washington. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington.

SEC. 6. In case of deserving students domiciled in this state or the territory of Alaska who, after a quarter in residence have shown a marked capacity for the work done by them in school, the board of regents may, in lieu of collecting the fees provided for in subdivision (a) of section 1 of this act, extend credit to said students in the amount of said fees, taking therefor the promissory note of the student, with interest at the rate of four per cent per annum.

Payment of fees by promissory note.

SEC. 7. Section 5 of chapter 63 of the Laws of 1919 is hereby repealed.

Repealing clause.

Passed the Senate February 28, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

CHAPTER 140.

[S. H. B. 135.]

EXTERMINATION OF RODENTS.

AN ACT relating to injurious rodents and providing an appropriation for their extermination.

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

"Rodent" defined.

SECTION 1. The term "rodent" wherever used in this act shall be held and construed to mean and include ground squirrels, pocket gophers, rabbits, and such other rodents as the State College of Washington shall designate as injurious to the agricultural interests of the state.

Owner of land to destroy.

SEC. 2. It shall be the duty of every person, firm or corporation owning, possessing or having the care or charge of any land or lands in the state to destroy and exterminate any and all such rodents thereon.

Administration of act.

SEC. 3. The administration of this act shall be under the supervision and control of the state of Washington by and through the extension service of the State College of Washington, in co-operation with the board of county commissioners in the various counties of the state and the bureau of biological survey of the United States department of agriculture.

Supervision.

SEC. 4. The State College of Washington is hereby empowered and it shall be its duty to employ persons as it may deem necessary to inspect rodent conditions and to supervise the destruction and extermination of injurious rodents in such counties as shall co-operate with said State College in such work: *Provided*, That nothing herein contained shall authorize said State College to contract for or expend a greater sum of money during the next

biennium, for the purposes of this act, than that provided for by the appropriation contained herein.

SEC. 5. The State College of Washington is hereby authorized to co-operate with the bureau of biological survey of the United States department of agriculture, and to make such arrangements as it may deem advisable to join with said bureau in the employment of persons to inspect rodent conditions and to supervise the destruction and extermination of injurious rodents.

Co-operation  
with Federal  
department.

SEC. 6. The board of county commissioners of any county in the state desiring to co-operate with the State College of Washington in the extermination of rodents is hereby authorized to purchase poisons, grain and other supplies, or to prepare poisoned grain or other baits, and to furnish the same at cost to owners, occupants, agents in charge, or lessees of land infested with rodents, and for that purpose shall levy a tax of not to exceed one-half of one mill on all the taxable property within the county. The proceeds from the collection of such taxes shall be placed in a special rotating fund, which fund is hereby created. The purchases of all poisons, grain and other supplies shall be made from said rotating fund and the proceeds of the sale of such poisons, grain and supplies shall be placed therein. The balance in such fund on December 31st of each year shall be transferred to the county current expense fund: *Provided*, That in the year 1921 the board shall be authorized, by resolution to that end, to purchase said poisons, grain and supplies with any moneys in the hands of the county treasurer, and the fund or funds from which said purchases have been made shall be reimbursed from said rotating fund from time to time as moneys are paid therein.

Authority to  
purchase and  
distribute  
poison.

Tax levy.

SEC. 7. The State College of Washington shall be authorized and directed to supervise the extermi-

Powers and  
duties of  
state  
college.

nation of rodents by any land owner, occupant, agent in charge, or lessee, to prepare poisons and baits for that purpose, and to enter upon any farm, rights-of-way, grounds, or premises for the purpose of ascertaining rodent conditions or for the purpose of exterminating the same as in this act provided.

Notice to  
exterminate.

SEC. 8. Whenever the person or persons designated and employed by the State College of Washington for that purpose shall, upon inspection and investigation, determine that the owner, occupant, agent in charge, or lessee of any land has failed or neglected to exterminate the rodents on said land, and that such land is infested with such rodents, it shall notify said owner, occupant, agent in charge or lessee to that effect. Said notice shall describe the land involved, contain a finding that said land is infested with rodents, naming the kind, direct what steps shall be taken to exterminate said rodents, and inform the owner, occupant, agent in charge, or lessee that, unless such steps are begun within a period of ten (10) days after service of said notice (exclusive of the day of service), said land will be entered upon and the rodents exterminated and the expense of such extermination will be charged as a tax against said land, and collected as general taxes are collected. A copy of said notice shall be served personally upon the owner, occupant, agent in charge or lessee if the same is found in the county in which such land is situated. If said owner, occupant, agent in charge, or lessee cannot with reasonable diligence be found in the county, a certificate to that effect, together with said notice, shall be mailed to the person appearing on the records of the county treasurer's office as last paying general taxes on said land, and a copy of said notice shall be posted in a conspicuous place on said land. After the expiration of ten days from the date of service, or mailing and

Non-com-  
pliance.

posting, as the case may be, of said notice as herein provided, the State College of Washington shall enter said land and exterminate the rodents thereon.

SEC. 9. An itemized account shall be kept of the expenses of exterminating the rodents on said land and, upon the conclusion of such work, a sworn itemized statement of such expense, together with the description of the land and a return of the service, or mailing and posting, of the notice to the owner, occupant, agent in charge, or lessee shall be filed with the board of county commissioners of the county in which said land is situated. The board shall thereupon fix a time and place when and where such statement of expense will be considered, and shall give notice of same. Said notice shall be signed by the clerk of the board, shall be served in the same manner, by the same agency, and shall be given for the same length of time and to the same parties as the notice provided for in section 8 herein.

Notice of  
time for con-  
sideration of  
expenses.

SEC. 10. The board of county commissioners shall meet at the time and place fixed in said notice, and shall examine said statement of expenses, hear testimony if offered, and shall determine that said statement, or so much thereof as is just and correct, shall be established as a tax against the land involved. Said board shall also make an order that the total amount of such expenses so approved shall be a tax on the land on which said work was done after the expiration of ten days from the date of the entry of said order on the minutes of the board, unless sooner paid or unless an appeal be taken as in this act provided, in which event the same shall become a tax at the time the amount charged shall be determined by the court: *Provided*, That in no case shall the total expense for the extermination of rodents for any one year charged against any tract of land exceed a sum which in the aggregate shall amount to

Expense  
made a tax.

more than twenty cents per acre or fraction thereof included in the tract.

Expenses entered on tax rolls against land.

SEC. 11. The county treasurer shall enter the amount of such expense according to the order of the board, on the tax rolls against the land for the current year, and the same shall become a part of the general taxes for that year to be collected at the same time and with the same interest and penalties and when so collected the same shall be credited to the rotating fund herein provided for.

Appeals.

SEC. 12. Any person feeling himself aggrieved at the decision and order of the board of county commissioners approving the amount of such expenses and establishing the same as a tax against the land involved may appeal therefrom to the superior court of the county, by serving a written notice of appeal on the board and by filing a copy of same with proof of service attached, together with a good and sufficient cost bond to be approved by the county clerk in the sum of two hundred dollars (\$200.00), said cost bond to run to the county and in all other respects to comply with the laws relating to cost bonds required of non-resident plaintiffs in the superior court. Said notice of appeal must be served and filed within ten days from the date of the decision and order of the board approving the amount of said expense and establishing the same as a tax against the land involved, and said appeal must be brought on for hearing upon a certified copy of the records in the matter without further pleadings, at the next term of court thereafter. An appeal from the judgment of the superior court in the matter may be taken to the supreme court of the state as in other cases of appeal to that tribunal. Upon the final conclusion of any appeal so taken, the county clerk shall certify to the county treasurer the result of such appeal.

SEC. 13. No baits containing phosphorus or phosphorous compounds shall be employed in the extermination of rodents. All poisons and poisoned baits prepared and distributed under authority of the board of county commissioners shall be placed in containers plainly labeled to show the character and purpose of the contents thereof.

Distribution  
of poisons.

SEC. 14. For the purpose of carrying out the provisions of this act there is appropriated out of the general fund for the use of the State College of Washington the sum of five thousand dollars (\$5,000.00).

Vetoed  
L. F. H.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Emergency.

Passed the House March 5, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor, with the exception of Section 14, which is vetoed, March 19, 1921.

## CHAPTER 141.

[H. B. 153.]

### HORTICULTURE.

AN ACT relating to horticulture and horticultural plants and products and the protection thereof, and providing for the enforcement of the provisions hereof and amending sections 1, 2, 3, 5, 14, 16, 17, 18, 27, and 30, chapter 166, Laws of 1915, and sections 2 and 29 of chapter 166, Laws of 1915, as amended by sections 1 and 4 of chapter 195, Laws of 1919.

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

SECTION 1. That Section 1 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 1. That the term "commissioner" whenever used in this act shall be held and con-

Definition of  
terms.

strued to mean the commissioner of agriculture of the State of Washington, and the term "assistant commissioner" and "assistant" shall be held and construed to mean the assistant commissioner of agriculture for the division of horticulture; the term "horticultural inspector" and the term "inspector" wherever used in this act shall be held and construed to mean an inspector of the department of agriculture, assigned to the division of horticulture; the term "nursery stock" wherever used in this act shall be held and construed to mean and include fruit trees, fruit tree stock, nut trees, grape vines, fruit bushes, rose bushes, rose stock, forest and ornamental trees and shrubs (both deciduous and evergreen), field grown, florists' stock, and cuttings, scions and seedlings of fruit or ornamental trees or shrubs, and all other fruit bearing plants and parts thereof and plant products for propagation or planting; the term "infect" and its derivatives "infecting," "infected" and "infection," wherever used in this act shall be held and construed to mean and include being affected by or infested with the disease or insect pests to which horticultural plants and products are subject and which are required to be guarded against, controlled, cured, removed, and eradicated as in this act provided; the terms "disinfect" and its derivatives shall be held and construed to mean and include the cure, removal or eradication of such diseases or pests by cutting and destroying the infected parts, or the application of fungicides or insecticides specified in this act or such other effective solutions or emulsions as may be discovered by science and specified and described in the bulletins issued by the commissioner of agriculture, and the term "person" wherever used in this act, shall be held and construed to mean and include individuals, partnerships, associations, joint stock companies and corporations.

SEC. 2. That Section 2 of Chapter 195 of the Laws of 1915, as amended by Section 1 of Chapter 195 of the Laws of 1919, be amended to read as follows:

Section 1. That Section 2 of Chapter 195 of the Laws of 1919 be amended to read as follows:

Powers and duties of commissioner of agriculture.

Section 2. The commissioner of agriculture shall have the power and it shall be his duty:

(a) To exercise a general supervisory and directory control over the horticultural interests of the state;

(b) To arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for the demonstration of methods of preventing diseases of and pests injurious to horticultural plants, fruits and vegetables, and of curing and removing the same;

(c) To publish and distribute circulars and reports upon horticultural subjects, the pests affecting and the diseases of fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables and nursery stock, and the means and methods of controlling, curing, removing, eradicating, and disinfecting for such diseases and pests;

(d) To issue licenses to nurserymen and dealers in nursery stock and their agents, salesmen and solicitors and revoke the same for violation of or failure to comply with this act, and to keep in his office a record of all licenses issued, showing the character of the license, name and address of the holder, the date of issue and the date of expiration or revocation;

(e) To furnish to the board of county commissioners of each county, annually, on or before September 1, an estimate of the expenses for the ensuing year of inspecting and disinfecting orchards, vineyards, berry farms, vegetable farms and nurseries,

fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruit, fruit products, vegetables, and packing houses, warehouses, dry-houses, store-rooms, depots, docks and other places where fruits, vegetables or nursery stock are grown, packed, stored, shipped or held for shipment or delivery or offered for sale within said county.

(f) To appoint inspectors to enforce and carry out the provisions of this act, which inspectors may be of two classes, inspectors at large and local inspectors: *Provided*, That not more than twenty inspectors at large shall be appointed.

(g) The commissioner may also in his discretion appoint any officer or member of any local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and shall not be required to take the regular examination required of inspectors-at-large and local inspectors.

(h) To make, adopt, issue and publish from time to time, and enforce general rules and regulations governing the grading, packing, and the size and dimensions of commercial containers of apples and other fruit.

(i) To formulate, promulgate and enforce regulations fixing commercial grades of vegetables, and providing for the inspection of the same for either market or seed purposes, and furnishing of certificates of inspection.

(j) To declare, promulgate and enforce quarantine measures for the protection of any agricultural crop, forest trees, forest products or other products not otherwise protected by law against the ravages of destructive or injurious insects or diseases. To adopt, promulgate and enforce rules and regulations for the inspection, grading and certification of grow-

ing crops of agricultural or vegetable seed grown in this state and to inspect, grade and certify the same at the request of the grower and to fix and collect fees for such inspection, grading and certification and to pay the fees so collected into the state treasury.

The commissioner of agriculture, and under his direction and control the assistant commissioner and the horticultural inspectors, shall have the power and it shall be their duty :

(a) To enforce the provisions of this act and all laws relating to horticultural interests.

(b) To inspect orchards, vineyards, berry farms, vegetable farms, nurseries, fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables, nursery stock and horticultural supplies, and packing houses, dry-houses, warehouses, store-rooms, depots, docks, cars, vessels, and other places where fruits, vegetables or nursery stock are packed, stored, shipped, or held for shipment or delivery or offered for sale, and other property liable to be infected with any disease or pest injurious to horticulture, and to require the disinfection of all such property and premises found to be infected and for that purpose shall have free access to such property and premises at all times.

(c) To inspect and examine orchards, vineyards, nurseries, berry farms, vegetable farms, fruits, vegetables, nursery stock and all other horticultural plants and products, at the request of the owner thereof for the purpose of discovering the existence of any disease or pest, and to report to the applicant the result of such investigation and prescribe proper remedies ;

(d) To disinfect orchards, vineyards, berry farms, nurseries, fruit trees, vines and bushes, ornamental trees and shrubbery, horticultural plants,

fruits, vegetables and nursery stock and packing houses, dry-houses, warehouses, store-rooms, depots, docks, cars, vessels and other places where nursery stock, fruits, or vegetables are packed, stored or shipped or held for shipment or delivery, or offered for sale, in case the owner or person having the same in charge shall neglect or refuse so to do, after notice; and in case any infected fruit trees, vines or bushes, ornamental trees or shrubbery, horticultural plants, fruits, vegetables or nursery stock cannot be successfully disinfected to condemn and destroy the same or cause the same to be destroyed.

(e) To require all partially infected fruit, vegetable and nursery stock shipments to be sorted and repacked and, in case the owner or person having charge of the same shall neglect or refuse so to do after notice, to condemn and destroy the same, together with all dead nursery stock: *Provided*, That no inspector shall destroy more than ten per cent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines or shrubs without five days notice to the shipper, during which time the owner or shipper shall have the right to apply to the chief officer of the division of horticulture.

(f) To issue certificates of inspection to license nurserymen and dealers in nursery stock, on stock inspected and approved.

SEC. 3. That Section 3 of Chapter 166 of the Laws of 1915 be amended to read as follows:

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 commissioner, and their salaries, compensation and actual and necessary traveling expenses shall be paid by warrants drawn upon the state treasurer by the state auditor upon vouchers signed and verified under oath by such inspectors and countersigned by

Inspectors-  
at-large.

the commissioner or the assistant commissioner. In addition to inspectors-at-large the commissioner shall, whenever the board of county commissioners of any county by resolution request it, appoint such number of local inspectors and for such length of time as such resolution shall specify and assign them to duty in such county. The 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 commissioner or the assistant commissioner, and ordered paid by the county commissioners, and the county auditor shall issue warrants therefor upon the said county fund. All local inspectors shall be under the direction and control of the commissioner of agriculture and the assistant commissioner. 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.

Local inspectors.

Salary and expenses.

SEC. 4. That Section 5 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 5. The pests injurious to and diseases of nursery stock, fruit trees, shade trees, ornamental trees and shrubbery, horticultural plants, fruit and vegetables to be guarded against, controlled, treated, removed, eradicated and disinfected for, as in the next preceding section provided, shall be all bacterial diseases, including fire blight of apple, pear and quince, crown gall or root gall, and hairy root; all fungus diseases, including black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf

Pests specified.

curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight; all insect pests, including chewing insects, such as bud moth, peach twig borer, caterpillars, pear slug, flat headed borer, round headed borer, imported cabbage worm, potato tuber moth, potato nematode or eel worm, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, coddling moth, fruit tree leaf roller, and the larva of any thereof, and sucking insects, such as San Jose scale, scurfy scale, oyster shell bark louse, aphids, pear leaf blistermites and red spider; and such other bacterial and fungus diseases and insect pests as may be identified by science and specified and described as injurious to horticulture in the circulars to be issued from time to time by the commissioner of agriculture.

Methods of  
eradication.

The methods and means required to be used for the prevention, control, removal, eradication and cure of the diseases and pests above specified, shall be as follows: For bacterial diseases, eradication by the removal and destruction of the infected plant or part thereof, care being taken to disinfect all tools used in such removal to prevent the spread of the infection or by any other methods that shall have been approved by the insecticide and fungicide board; for fungus diseases, control or cure by spraying with effective fungicides, such as bordeaux solution, lime-sulphur solution, sulphide of iron or other effective fungicides; for chewing insect pests, control or removal by spraying with effective insecticides, such as arsenate of lead solution and arsenite of zinc solution; for sucking insect pests, control or removal by spraying with effective insecticides, such as lime-sulphur solution, crude oil emulsion, tobacco solution, distillate oil emulsion, kerosene emulsion, soap solution, and sulphur solution, or combinations

thereof; and for fungus and insect pests, control, cure or removal by spraying with such other effective solutions and emulsions as may be discovered by science and specified and described in the circulars issued by the commissioner of agriculture.

SEC. 5. That Section 14 of Chapter 166 of the Laws of 1915 be amended as follows:

Section 14. The cost and expense of disinfecting any nursery, orchard, berry farm, vineyard or vegetable farm, or any nursery stock fruit trees, vines or bushes, shade trees, ornamental trees or shrubbery or horticultural plants growing on any premises, or any packing houses, warehouses, dry houses, store-rooms, depots, or other premises where nursery stock, fruits, vegetables or horticultural products are stored, situated or being prepared or packed for shipment or offered for sale or held for the purpose of delivery upon any shipment or sale, may be recovered as in this section provided. The officer disinfecting any premises or property growing upon any premises or causing the same to be disinfected as in this act provided shall make and keep a full and detailed record of all acts done by him with reference to such property or premises, stating the legal description of premises upon which property disinfected was growing, the name of the owner or reputed owner, the date of inspection, the facts found upon inspection, the date and manner of giving of notice to disinfect, the failure of the owner or person in charge to disinfect, the disinfection by or under the direction of the officer, and the cost and expense thereof in detail, which record shall be signed by the officer making the same. In case the cost and expense of disinfecting any premises, or the property growing thereon, are not paid within five days after the completion of the work of disinfecting, the officer making such record shall make and

Recovery of  
disinfection  
expenses.

Lien claim  
for disinfection  
costs.

file with the county auditor of the county where such premises are situated two verified copies of the records of his acts with reference to such premises and the charge against the same, and shall also file a claim of lien against said premises for the amount of such charges and expenses, which said claim shall refer to said record. Upon the filing of such verified record and claim of lien the county auditor shall record the said claim of lien as other lien claims are recorded. The county auditor shall also, at the time when said record and claim are filed, forthwith issue proper warrants in payment for labor of men employed in the work and fix a day for a hearing upon the report before the board of county commissioners, which date shall not be less than twenty days from the date of said filing and shall prepare a notice of the filing of such record and claim and of the date of hearing upon the same and in all proceedings the county shall be deemed substituted to all the rights of laborers paid as herein provided. Said notice shall be directed to the owner, or reputed owner, and shall give notice of the filing of said record and claim and of the amount thereof and shall also give notice of the time and place when and where the board of county commissioners will hear and determine the same. The county auditor shall deliver said notice, together with a copy thereof, to the sheriff of the county in which said claim is filed and the sheriff shall make service thereof in like manner and with like effect as herein provided for the service of notice to disinfect and shall make return of such service upon the original notice and file the same with the county auditor before the time of hearing of the same, and he shall also certify with said return the amount of his fees for such service, which shall be the same as is provided for service of summons in civil proceedings. In case the amount of said claim,

together with the amount of sheriff's fees and auditor's fees, which shall be the same as is charged for the filing and recording of other liens, is paid to the county treasurer on or before the date of said hearing before said board of county commissioners, the auditor shall, upon the presentation to him of a duplicate receipt of said treasurer for the amount above specified, cancel the said lien in the records of his office and notify the board of county commissioners of his action in the premises. The county treasurer shall disburse the fund received by him as above provided to the parties entitled to receive the same according to the record as shown in the office of the county auditor. In case the amount of said claim, together with costs as above provided, is not paid at or before the time of the hearing before the board of county commissioners, the county auditor shall present a verified copy of said claim and record to the said board, which shall proceed with the hearing upon the same and shall, if offered, hear sworn testimony concerning the matter set forth in said record and claim. The record required to be kept by the officer disinfecting, as hereinabove provided, and the verified copy thereof filed with the county auditor, shall be *prima facie* proof of the facts therein stated in any proceedings before the board of county commissioners and in any court in any action or proceeding where proof of such facts is competent or the validity of such charges or any tax levied therefor is questioned. After the hearing as herein provided for, the county commissioners shall make an order fixing the amount of such claim and costs and shall order the amount so fixed paid out of the current expense fund of said county, and the auditor shall draw warrants for the payment of such claim as fixed by the county commissioners. The said order of said board fixing the amount of said claim and

Disinfecting  
officer's rec-  
ord, *prima*  
*facie* proof.

costs shall be recorded by the county auditor as are other lien claims and shall stand as a lien in favor of said county against the premises therein described until cancelled as herein provided. In case the amount of said lien, together with interest thereon at the rate of six per cent per annum from the date of said order of said board of county commissioners, is paid to the county treasurer of said county on or before the first Monday in October following the date of said order and a duplicate receipt therefor of said treasurer is presented to said county auditor, the county auditor shall cancel said claim of lien in the records of his office. Payment to the county treasurer as above set forth shall be made by presenting to said treasurer a statement over the signature of the county auditor of the amount due upon said claim together with the amount of money shown by said statement to be due. Upon said payment being so made the treasurer shall stamp said statement as paid, showing the date of said payment, and shall file said statement so stamped in the records of his office; he shall also issue a duplicate receipt for said payment and shall deliver one of said receipts to the party making payment and immediately transmit one of said receipts to the county auditor. In case the amount of said claim and costs, together with interest at the rate of six per cent. per annum from the date of said order of said board of county commissioners, is not paid as hereinabove provided, on or before the first Monday in October following the date of said order, the board of county commissioners shall, at the regular meeting for the levy of taxes in the month of October following the date of said order, make an order that the amount of such claim, costs and interests, together with a penalty of six per cent. thereon, shall be a tax on the premises described in said claim and collected as other taxes

Unpaid lien  
claim to be  
charged as  
tax.

are collected and said last named amount shall be added to the amount of taxes levied against said premises for current expenses. Upon the making of said order the county auditor shall mark the recorded order of said board fixing the amount of said claim of lien "cancelled and amount hereof charged as taxes against the property." Upon the collection of said tax by the county treasurer the same shall be credited to the current expense fund of the county, to be used for the expenses of horticultural inspection.

SEC. 6. That Section 16 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 16. It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes or packages, any fruit grown in this state, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place of locality where grown and the name of the grower, or in case of sale or shipment through an association or organization of growers, the name of such association or organization and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and the grade of apples or pears, and it shall be unlawful for any person to mark or place upon any such package the name of any other place or locality than the place where such fruit was grown, except the place to which shipped or to falsely mark any such package as to variety, name of grower, association or organization or place where grown, or to obliterate or change the original marks on any such package or to re-mark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is marked

Fruit boxes,  
how marked.

Alteration or  
misuse of  
labels.

with the name of an association or organization of growers to re-mark the same with the name of any other association or organization, and it shall be unlawful for any person having in his possession for sale or offering for sale or selling any fruit grown in this state and shipped in closed packages, to re-pack the same in the boxes or packages of any other grower or shipper or from any other place, or to sell or offer for sale in closed packages, or to pack in or offer for sale any marked box or package any fruit other than that originally contained or shipped therein.

Grade mark-  
ings.

In addition to the marks required to be placed upon any closed package of fruit grown in this state, as hereinabove provided, the grower thereof or association or organization of growers packing the same may mark upon the outside of such package the grade of the fruit contained therein, either as "First Grade," "Grade No. 1," or "Extra Fancy"; "Second Grade," "Grade No. 2," or "Fancy"; "Third Grade," "Grade No. 3," or "C-Grade"; and "Orchard Run," or such other designation as will indicate first, second or third quality of fruit and "Washington Standard Pack," according to the obligatory grading rules and regulations, issued, published and adopted by the commissioner of agriculture, and it shall be unlawful for any other person to re-mark any such closed package to a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place upon any such closed package not marked with the grade of the contents thereof any mark or brand indicating the grade of such contents: *Provided*, That nothing in this section shall be construed to apply to canned or dried fruit.

SEC. 7. That Section 17 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 17. It shall be unlawful for any grower thereof or association or organization of growers packing apples, or other fruit to mark the package with the grade of the contents, or for any person to ship, sell, barter, or otherwise dispose of or offer for sale, or have in his possession for the purpose of sale, any package of apples, or other fruit, grown and packed within the State of Washington unless such contents shall comply with the general obligatory rules and regulations made, adopted and published from time to time by the commissioner of agriculture, which general obligatory rules and regulations shall define and establish the standard for the grades.

Compliance  
with rules  
and regula-  
tions.

It shall be unlawful (1) to mark or place upon any package of vegetables the name of any other place or locality than the place where the same were grown, except the place to which shipped; or to falsely mark any such package as to variety, name of grower, or place where grown, or to represent for purposes of sale that said vegetables were grown in any locality other than that in which they were actually grown, or by any other person than the person by whom they were actually grown; (2) to mark, brand, advertise, offer for sale, or sell, any vegetables as graded according to, or by the name of any of the grades promulgated by the commissioner of agriculture unless they conform to such grades; (3) to mark, brand, advertise, offer for sale or sell any vegetables by the name of any grade that imitates or approaches the name of any of the grades promulgated by the commissioner of agriculture; or (4) to have in his possession any packages or vegetables thus misbranded;

But it shall not be unlawful to sell vegetables as ungraded, or as graded according to other standards

than those adopted by the commissioner of agriculture, provided the name of such other grades or standards does not closely resemble or imitate the name of any of the said official grades.

Publication  
of rules and  
regulations.

The general obligatory rules and regulations shall be adopted, issued and published within thirty days after the taking effect of this act and the commissioner of agriculture is authorized and directed to in the month of December of each year, make, adopt, issue and publish general obligatory rules and regulations governing the packing of apples, other fruit or vegetables and establishing and defining the grades thereof for the ensuing calendar year and in adopting the same the commissioner is authorized to consult and advise with fruit or vegetable growers, the officers of associations or organizations of apple, other fruit or vegetable growers or distributors or dealers in apples, other fruit or vegetables. Before making the obligatory rules and regulations for which provision is made in this section, the commissioner of agriculture shall provide for a public hearing of horticulturalists, or vegetable growers, thereon, notice of which shall be given by mail to every horticultural society, growers' association or marketing organization which shall have filed with him a notice of its existence thirty days before the date of any such hearing, and which shall be a resident of the State of Washington. For the conducting of such hearing the commissioner of agriculture may prescribe all necessary reasonable rules, but said rules must be such as to insure a fair, full and impartial opportunity for all interested districts to be heard. In establishing the grading obligatory rules herein mentioned the commissioner of agriculture shall base them on the necessities and properties as shown in said hearing, taking into consideration the tonnage of commercial fruit in each district of

the state affected by the grading obligatory rules to be established; said rules and regulations so established to become obligatory rules and regulations and be given the same force and effect as though enacted by the Legislature of the State of Washington, said obligatory rules and regulations to become effective upon being adopted and promulgated by the commissioner of agriculture.

SEC. 8. That Section 18 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 18. It shall be the duty of every person within forty-eight hours after removing any cuttings or prunings from bacterially infected trees or plants infested with fruit tree leaf roller egg clusters to destroy or disinfect the same by burning or scorching.

Destruction  
of infected  
parts of  
trees, etc.

SEC. 9. That Section 27 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 27. Upon the arrival at its point of destination of any nursery stock shipped into this state from another state or county or shipped from one point within this state to another, it shall be the duty of the freight agent, express agent or the agent of the persons or transportation company having such shipment in charge for delivery, unless the same is accompanied by a certificate of inspection and approval by a horticultural inspector of this state showing that the same was inspected and approved at the initial point of shipment within this state, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt of such shipment, giving the names of the consignor and consignee and stating that such shipment is ready for inspection and delivery. Said notification may be by telephone or telegraph, or by written notice delivered personally to said inspector or to some person of suitable age and discretion at his

Inspection of  
nursery stock  
shipped.

residence or office, or by mail addressed to said inspector at his place of residence or at his office; and it shall be unlawful for any such agent or person having such shipment in charge to deliver the same to the consignee or to any other person until the same shall have been inspected by a horticultural inspector: *Provided, however,* That such agent shall not be required to hold such shipment more than forty-eight hours after notifying the inspector as aforesaid, except in case the notice is given by mail, in which event such shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for the delivery of mail to the address of said inspector: *And provided further,* That no inspection at the point of delivery shall be necessary if the shipment is accompanied by a certificate of a horticultural inspector of this state showing inspection and approval at the initial point of shipment within this state as aforesaid, and upon the delivery of such shipment to the consignee, the agent or person making the delivery shall deliver such certificate of inspection to the consignee and retain the duplicate to show his authority for making delivery without inspection. Any nurseryman or dealer in nursery stock within this state may demand the services of an inspector at his place of business or point of shipment during the shipping season by paying such fees as agreed upon by the commissioner of agriculture.

Upon the arrival at its point of destination of any shipment of fruit or vegetables shipped into this state from another state or country, it shall be the duty of the freight agent, express agent or agent or persons or transportation company having such shipment in charge for delivery, to notify the horticultural inspector stationed nearest to the point where said shipment is received, of the receipt

of such shipment giving the names of the consignor and consignee, and upon the delivery of such shipment to the consignee or his order, the agent or person making such delivery shall demand and receive from the person to whom such shipment is delivered a receipt therefor showing the name and address of the consignee or his order and the place to which said shipment is to be removed, and shall thereupon mail said receipt to the horticultural inspector stationed nearest to the point where said shipment is received.

SEC. 10. That Section 29 of Chapter 166 of the Laws of 1915 as amended by Section 4, Chapter 195, of the Laws of 1919, be amended to read as follows:

Section 4. That Section 29 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Section 29. It shall be the duty of every horticultural inspector upon the inspection of any nursery stock, fruit or vegetables found free from disease and pests, to deliver to the owner or person in charge thereof a certificate of inspection over his signature, showing the date of inspection and stating that such nursery stock, fruit or vegetables were not infected, which certificate in case inspection be made at the initial point of shipment or at such place within a reasonable distance as requested by the shipper shall be in triplicate form and it shall be unlawful for any person to substitute for any such nursery stock, fruit or vegetables covered by said certificate, or to ship, sell or dispose of any other nursery stock, fruit or vegetables than that actually inspected and approved under such certificate of inspection; fees as fixed by the commissioner of agriculture may be charged for this inspection, the same to be collected at the time of the inspection and paid to the county treasurer of the county in which the services are rendered, and by him placed

Certificate of inspection.

in the current expense fund of such county to be used to assist in defraying the expenses of horticultural inspection: *Provided*, That the inspector may issue certificates of general inspection for shipment to points within this state in addition to the regular certificate of inspection.

SEC. 11. That Section 30 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Penalty for violations.

Section 30. Every person violating or failing to comply with the provisions of this act or any obligatory rule or regulation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$50.00, nor more than \$500.00. All fines imposed under the provisions of this act shall, when collected, be paid to the treasurer of the county where imposed to be placed in the current expense fund of such county and to be used to assist in defraying the expenses of horticultural inspection.

Disposition of fines.

SEC. 12. That Section 31 of Chapter 166 of the Laws of 1915 be amended to read as follows:

Actions to restrain violations.

Section 31. Whenever any person is about to or threatens to violate any provision of this act, or any obligatory rule or regulation, the commissioner of agriculture may, with the advice of the prosecuting attorney of the county where such violation is threatened or of the attorney general, begin an action in the superior court of such county in the name of the state upon the relation of such commissioner to restrain and enjoin such threatened violation, and in case such prosecuting attorney shall fail or refuse to begin such action upon the request of the commissioner, the same may be begun by or under the direction of the attorney general. In such action no bond shall be required for the issuance of a restraining order or injunction, but the state shall be liable

for any damages occasioned by the unlawful suing out of such restraining order or injunction.

SEC. 13. The commissioner of agriculture, assistant commissioner, and all horticultural inspectors are authorized and empowered to inspect, investigate and certify to shippers and other interested parties the quality, grade and condition of fruits and vegetables and the cars in which they are loaded, such inspection and investigation to be made under such rules and regulations as the commissioner of agriculture may from time to time prescribe, including the payment of such fees as will be reasonable and as near as may be to cover the cost for the services rendered and such fee to be placed in the current expense fund of such county to be used to assist in defraying the expenses of horticultural inspection. Such certificates so issued shall be received in all courts of the State of Washington as *prima facie* evidence of the truth of the statements therein contained.

Inspection  
authorized

Fee.

SEC. 14. All questions of fact arising under this act shall be determined by the commissioner of agriculture and there shall be no appeal from his decision upon said question of fact. Either grower, horticultural society, association or marketing organization shall have the right to appeal to the superior court on questions of law.

Appeals.

SEC. 15. The director of agriculture shall exercise the powers and perform the duties vested in and required to be performed by the commissioner of agriculture by this act, when such director is appointed and qualified, and assumes and exercises the duties of his office.

Exercise of  
powers and  
duties con-  
ferred.

Passed the House February 18, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 142.

[H. B. 309.]

## INSTITUTIONS OF HIGHER LEARNING.

AN ACT relating to the state institutions of higher education, making provisions for the annual levy of a tax to produce revenue therefor and amending section 5049-4 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Tax levy.

SECTION 1. The state board of equalization shall, beginning the fiscal year, 1921, and annually thereafter, at the time of levying taxes for state purposes, levy upon all property subject to taxation, a tax of one and ten one hundredths of one mill (1.10) for the state university fund; sixty-seven one hundredths of one mill (.67) for the state college fund; twenty one hundredths of one mill (.20) for the Bellingham Normal School fund; fifteen and nine-tenths hundredths of one mill (.159) for the Cheney Normal School fund; and twelve one hundredths of one mill (.12) for the Ellensburg Normal School fund.

It shall be the duty of the joint board of higher curricula in the report to be made next preceding the convening of the legislature in 1925 to recommend any changes in levy herein provided for which the said board may deem necessary or proper, and to give their specific grounds and reasons therefor, for the purpose of having the levy herein provided for readjusted by the legislature of 1925.

Passed the House March 2, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 143.

[H. B. 301.]

VOTING BY ELECTORS ABSENT FROM  
HOME PRECINCT.

AN ACT relating to elections, authorizing electors absent from their precincts of residence to vote at general and primary elections, amending sections 1, 2, 3 and 4 of chapter 189 of the laws of 1915, amending chapter 189 of the laws of 1915 by adding thereto new sections to be known as sections 3a and 3b, respectively, and repealing section 6 of chapter 159 of the laws of 1917.

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

SECTION 1. That section 1 of chapter 189 of the Laws of 1915 be amended to read as follows:

Section 1. Any elector of the state who believes that he will be unavoidably absent from his home, and more than twenty-five miles distant from the precinct in which he is qualified to vote, may vote at general elections to be held for federal, United States senatorial and congressional, state or legislative officers, or propositions, or at any primary held for the purpose of nomination for any such election, in the manner provided for in this act.

Authorizing  
absent vot-  
ing.

SEC. 2. That section 2 of chapter 189 of the Laws of 1915 be amended to read as follows:

Section 2. Any elector desiring to vote at any primary or general election under the provisions of this act shall, not more than twenty days prior to any such general or primary election, procure a certificate from the registration officer of the home precinct of said elector certifying that said registration officer is personally acquainted with said elector; that said elector is duly registered and qualified to vote in said home precinct, stating the place of residence of said elector; that said elector has

Certificate of  
home regis-  
tration  
officer.

in the presence of said registration officer affixed his signature to said certificate at a place to be designated "for Signature of Absent Voter;" which certificate shall be executed and signed in duplicate, the registration officer retaining one in his permanent files; and the elector shall in person, at any time not less than six days prior to any such general or primary election, present said certificate to the county auditor of the county of his residence, and shall make, subscribe and file with the county auditor an affidavit as follows:

Affidavit of voter.

State of Washington, }  
 County of..... } ss.

I, ....., do solemnly swear (or affirm) that I am a resident and qualified elector in the.....precinct of.....city, in the county of....., State of Washington, duly registered as such, and am entitled to vote at the primary or general election to be held therein on the.....day of.....19..., that I will be absent from said precinct and more than twenty-five miles distant from said precinct on the day of said election, and that I shall lose my vote by reason thereof unless permitted to vote in the manner provided by law for absent voting.

Subscribed and sworn to before me this..... day of.....19...

.....  
 County Auditor of.....County.  
 By.....  
 Deputy.

SEC. 3. That section 3 of chapter 189 of the Laws of 1915 be amended to read as follows:

Section 3. Upon the making and filing of the affidavit provided for in the preceding section, the auditor shall compare the signature thereon with

Method of voting.

the signature upon the certificate presented therewith, and if he is satisfied that the signatures are made by the same person, and if the official ballots for such general or primary election are in the possession of the auditor, he shall deliver to the elector a blank ballot for such election, or in the case of a primary election a blank ballot of the party for the candidate of which the elector desires to vote, and also a small envelope that shall have no mark upon it which may serve to identify it or the ballot within it with the voter; also a larger envelope upon which there shall be printed the name and postoffice address of the auditor issuing the same, and a blank affidavit in the following form :

State of..... }  
 County of..... } ss.

I, ....., do solemnly swear that I am a resident of and a qualified voter in..... precinct of.....city in..... county, Washington; that I have the legal right to vote at the election to be held in said precinct on the .....day of.....19..., and that I have herein inclosed my ballot for such election, duly marked as required by law in the presence of ....., a..... in and for.....county, state of.....

(Signed).....  
 Voter.

.....  
 Residence and address.

Subscribed and sworn to before me, a..... in and for.....county, state of....., this.....day of....., 19...; and I hereby certify that the affiant..... has proven himself to be the person whom he represents himself to be by exhibiting to me his registra-

tion certificate bearing his signature and by making his signature in my presence, and that I have compared said signatures and find them to be the same; that the affiant has exhibited to me the inclosed ballot and the same was unmarked; that the affiant before me at the same time and place marked his ballot, but in such manner that I did not see his vote; that he then folded, inclosed and sealed said ballot, so marked, in a small envelope, and then inclosed and sealed said small envelope in this envelope which he handed to me sealed, to be forwarded by me by registered mail to the auditor of..... county, at....., in the state of Washington.

(Seal)

(Signed).....  
 .....  
 in and for the county of.....  
 State of..... the day and  
 year in this certificate first above  
 written.

Upon receiving such blank ballot and envelope the voter shall proceed, in the presence of the auditor, to mark the ballot in such manner that the auditor cannot see his vote, and fold, inclose and seal the ballot in the smaller envelope, and then inclose the smaller envelope containing the ballot in the larger envelope, and make, subscribe and swear to the affidavit printed on the larger envelope, and deliver such larger envelope, together with his certificate of registration, to the auditor, who shall file and safely keep the same until the votes are canvassed as hereinafter provided, and shall immediately notify the officer having possession of the registration books of precinct of the voter of the fact that such voter has voted, and the registration officer shall thereupon note upon the registration books opposite

the name of the voter, in the column provided for that purpose, the word "Voted."

SEC. 4. That chapter 189 of the laws of 1915 be further amended by adding thereto a new section to be known as section 3a, to read as follows:

Section 3a. In case the official ballots for the ensuing election are not in the possession of the auditor at the time the elector requests the right to vote as an absent voter as in this act provided, the auditor shall take from the elector a written statement giving his name and the address, which address shall be more than twenty-five miles from his home precinct, to which he desires to have a ballot sent, and in case of a primary election a statement of the party for the candidates of which the elector desires to vote, and shall return to the voter his certificate of registration. As soon as the auditor shall receive the official ballots, he shall forward to the absent elector at the address given on the statement a blank ballot of the kind requested, together with the blank smaller and larger envelopes provided for in the preceding sections, and shall notify the registration officer of the absent voter's precinct of the fact that he has issued and mailed to the absent voter such ballot, and the registration officer shall thereupon note upon the registration books opposite the name of the voter, in the column provided for noting the votes cast, the word "Absent."

Procedure  
when ballots  
not ready for  
delivery to  
elector.

The elector upon receiving the blank ballot and envelopes shall have the right thereupon to appear before any officer of any city, county or state authorized by law to administer oaths, and present his certificate of registration and identify himself by making his signature in the presence of the officer for comparison with that upon the certificate of registration, and shall then first display the blank

ballot to such officer as evidence that the same is unmarked, and then proceed to mark the ballot in the presence of such officer but in such manner that such officer is unable to see how the same is marked, and shall then fold said ballot and inclose and seal the same in the smaller envelope and then inclose said smaller envelope, together with his certificate of registration, in the larger envelope and make, subscribe and swear to the affidavit printed on the larger envelope before the officer, who shall thereupon mail said larger envelope to the county auditor whose name and address are printed thereon, by registered mail, at the expense of the voter; and the county auditor, upon receiving such absentee voter envelopes, shall file the same in his office and shall keep the same until the votes are canvassed as hereinafter provided, and shall notify the registration officer of the precinct, or, if the ballot is received on election day, the election officers of the precinct that the voter, giving his name and address, has voted, and the registration officer or election officers as the case may be shall thereupon note upon the registration books opposite the name of the voter the word "Voted."

SEC. 5. That chapter 189 of the Laws of 1915 be further amended by adding thereto a new section to be known as section 3b, to read as follows:

Section 3b. No elector opposite whose name there shall appear on the registration books the word "voted" shall be allowed to vote at the election, and no person opposite whose name there shall appear upon the registration books the word "Absent" shall be permitted to vote at such election, unless he shall deliver to the election officer the blank ballot received from the county auditor and his certificate of registration, as evidence that he has not

Surrender of  
blank ballot  
upon voting  
in home  
precinct.

availed himself of the privilege of voting as an absent voter.

SEC. 6. That section 4 of chapter 189 of the Laws of 1915 be amended to read as follows :

Section 4. On the sixth day after any general or primary election it shall be the duty of the county auditor in the presence of the chairman of the board of county commissioners and the prosecuting attorney to open each larger outside envelope in such a way as not to injure the seal or in any way open the smaller inside envelope containing the ballot, or deface the affidavit of the larger outside envelope, and to remove said smaller envelope containing the ballot and mark upon the outside of said inside envelope the name or number of the precinct, city and county in which the ballot is to be counted and nothing whereby the identity of the voter can be known. If the voter's affidavit on the larger envelope is in due and regular form the envelope containing the ballot shall be signed by the opening officers above named and approved as a valid vote. The opening officers shall then seal securely in one package the larger outside envelopes, certificates and affidavits of voters filed as herein provided, attached securely together and the same shall be kept by said auditor for future use in case any question shall arise as to the validity of the vote. The smaller inside envelopes containing the ballots shall be filed by the auditor and kept securely locked until the time for canvassing the votes of such county. Upon the canvassing of the votes by the canvassing board of such county, whenever any precinct is called in which there shall be on file one or more such envelopes, the board shall cause such envelopes to be opened, and shall canvass and count the same for such precinct as nearly as possible in the same manner as such votes would have been counted had they been cast in such precinct,

Procedure in counting ballots of absent voters.

entering the same in the poll book as absent voters, and shall modify the election returns of such precinct accordingly. Such ballots shall become a part of the returns of such precinct and shall be kept or destroyed accordingly: *Provided, however,* No such ballot shall be canvassed or counted unless received by the auditor within six days from the date of said general or primary election.

Repealing  
clause.

SEC. 7. That section 6 of chapter 159 of the Laws of 1917 be and the same is hereby repealed.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 144.

[H. B. 203.]

### INSPECTION, WEIGHING AND GRADING GRAIN, HAY AND OTHER PRODUCTS.

AN ACT amending section 12 of chapter 189, Session Laws of 1919, and providing a system of discounts in the grading of grains, and declaring an emergency.

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

SECTION 1. That section 12 of chapter 189 of the Session Laws of 1919, be and the same is hereby amended to read as follows:

Grain and  
hay grade  
standards.

Section 12. The commission shall fix and establish standard grades to apply to all grain and hay, bought or handled by public or terminal warehouses in this state. The commission shall adopt as state grade standards all grades for grain and hay now or hereafter established by the United States Department of Agriculture. Standards for grain and hay not provided for by the United States De-

partment of Agriculture shall be established or changed only after a public hearing, notice thereof to be given by publication in three newspapers of the state, at least ten days prior to such hearing. The commission may by resolution authorize the weighing and grading, upon request of any interested party, of commodities of commerce, other than grain or hay, such as grain or hay products, rice, beans and other similar articles, nitrates and other fertilizers, sulphur and other chemicals used in the arts or in manufacturing, when same are received from or delivered to any rail or water carrier in the state in commercial transportation, and may authorize the certification of the weights and grades thereof. Fees for such service, sufficient to cover the cost thereof, shall be fixed by the commission. Grades may be established or changed by the commission and rules and regulations governing warehousemen be promulgated after a public hearing, notice thereof to be given by publication once each week for two successive weeks in at least three newspapers of general circulation in the state, two of which, at least, shall be in eastern Washington. All interested persons desiring to be heard shall be permitted to give testimony and such other witnesses may be subpoenaed as the commission may deem necessary, which witnesses shall be entitled to the same fees and mileage as are provided for witnesses in civil actions. The commission shall after such hearing, make and issue reasonable rules and regulations governing the dockage which shall be made on inferior grades and in all executory contracts thereafter entered into where the price or amount to be paid therefor depends upon terminal weight or grade, such rules and regulations shall control the dockage in so far as the same affects the price to

Other commodities.

Hearings on change of grades, etc.

be paid, and such rules and regulations shall become part of the contract of sale unless expressly agreed to the contrary in such executory contract.

Furnishing  
copies of  
grades, and  
rules and  
regulations.

It shall be the duty of the chief inspector, immediately after the establishment of grades for grain, hay, grain and hay products and peas, and the promulgation of rules and regulations fixing dockage, as herein provided, to supply each public and terminal warehouseman, which the records in his office show is then or thereafter engaged in operating such warehouses, with a copy of such grades, rules and regulations. It shall be the duty of every public or terminal warehouseman to keep such copy on file in a convenient place in every such warehouse and, if an office is maintained in connection with such warehouse, a copy of such grades, rules and regulations shall be kept on file in such office and a placard notice posted in a conspicuous place in every such warehouse and such office, reading as follows:

“A COPY OF WASHINGTON GRADES, RULES AND REGULATIONS IS ON FILE HERE FOR INFORMATION OF INTERESTED PARTIES.”

Discount or  
differentials.

Every such warehouseman shall exhibit such copy of grades, rules and regulations to any interested party applying therefor at any such warehouse or office and permit such interested party to examine and consult such copy. In all contracts hereinafter entered into for the sale of unscoured wheat, pertaining to the classes soft red winter, common white, and white club wheat, under the official grain standards of the United States department of agriculture, and under rules adopted in Washington by the public service commission where the price or amount to be paid depends upon the weight or grade, no discount or differential shall be made on account of

test weight per bushel if the grain delivered under said contract weighs not less than 58 pounds to the measured bushel: *Provided, however,* That the grain so delivered grades number two or better under the standards above described. For wheat weighing in excess of 58 pounds to the measured bushel and grades number two or better, there shall be paid a premium over the price at country point for said grade at a rate of not less than eight-tenths of one per cent for each pound test weight over the minimum of said grade when test weight is the determining factor and in case of delivery on contract of grain of lower grade on account of test weight per bushel the discount or differential shall be at a rate not to exceed eight tenths of one per cent of the price for said grade at country point for each pound test below the minimum test weight for the grade on which the contract is based unless the test weight be below 55 and at a rate not to exceed one and six-tenths per cent of the price at country point for each pound test below 55 down to and including wheat having a test weight of 51 pounds per measured bushel. The discount on mixed wheat may not exceed two per cent below the purchase price paid at country point for the same grade of the class of wheat which predominates in the mixture. Said discounts, together with the rules and regulations above provided, shall become part of every contract of sale of wheat of the classes named.

SEC. 2. That if any clause, sentence, paragraph, or part of this act shall, for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Partial  
invalidity.

Emergency. SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, and shall take effect immediately.

Passed the House March 3, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 145.

[H. B. 305.]

### PREVENTION OF FRAUD IN TRADING IN HAY, GRAIN AND OTHER PRODUCTS.

AN ACT for the prevention of fraud in the grain and hay trade and trade in grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and similar articles, nitrates and other fertilizers, sulphur and other chemicals for the establishment and preservation of standards for grain, hay, grain and hay products, peas, beans, rice, soya beans, peanuts, copra, jute, raw rubber and other similar articles, nitrates and other fertilizers, sulphur and other chemicals; regulating warehousemen, shippers and buyers of such commodities; defining the duties of railroads; regulating track and elevator scales and track connections with industries; providing penalties for the violation thereof and amending sections 4, 8, 16, 22, 24, 25 and 29, chapter 189 of the Laws of 1919, and declaring an emergency.

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

SECTION 1. That section 4 of chapter 189 of the laws of 1919 be amended to read as follows:

Section 4. The chief inspector, with the approval of the commission, shall appoint such number of deputies, inspectors, samplers and weighers, who shall be designated as inspectors, as may be necessary to properly and thoroughly inspect and weigh the commodities included in the provisions of this act and such other employees as may be necessary. One of such inspectors in each of the cities of Seattle, Ta-

Appointment  
of deputies,  
etc.

coma, Spokane, Everett and Yakima and such other places as may be designated by the commission, shall be styled Chief Deputy Inspector. The chief deputy inspectors shall each give a surety company bond (the cost to be paid by the state) to the State of Washington in the sum of five thousand dollars (\$5,000.00) to be approved by the public service commission of Washington (hereinafter referred to as "commission") and the attorney general, conditioned upon the faithful discharge of their duties. Such chief deputies shall receive such salaries per annum as the commission may determine and necessary traveling expenses. Each of the other inspectors and bookkeepers shall give a surety company bond (the cost to be paid by the state) to the State of Washington in the sum of three thousand dollars (\$3,000.00) to be approved by the commission and the attorney general, conditioned upon the faithful discharge of his duties; the inspectors and other employees shall receive such salaries as the commission may determine. The chief deputy inspectors, inspectors, and other employees shall be required to take an oath to faithfully perform their duties.

SEC. 2. That section 8 of chapter 189 of the laws of 1919 be amended to read as follows:

Section 8. The cities of Seattle, Tacoma, Spokane, Everett and Yakima shall be provided with state inspection and weighing under this act. Such other cities and towns or districts where commodities included in the provisions of this act, are received or shipped by common carrier, and the shipments are such as would reasonably justify and render necessary the inspection and weighing thereof, may be designated by the commission as inspection points and be provided with state inspection and weighing: *Provided*, That the expenditure for the inspection and weighing at each of such points

designated by the commission shall not exceed the receipts of the fees at such place.

SEC. 3. That section 16 of chapter 189 of the Laws of 1919 be amended to read as follows:

Appeals from  
inspector's  
grading.

Section 16. In case any owner, consignee or shipper of any commodity included in the provisions of this act, or his agent or broker, or any public or terminal warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the commission from such decision within thirty days from the date of certificate by giving notice of appeal, and paying a fee to be fixed by the commission, which shall be retained if the decision appealed is sustained. Such notice of appeal may be given by a letter or other written notice by commission stating that such party appeals from the decision of the inspector and specifying the initials, number and designation of vehicle or the name of the ship in which such commodity was contained when inspected and graded.

Notice to  
parties in-  
terested.

The party taking such appeal shall also file with the commission a list containing the names and addresses of all parties interested in the subject matter of the appeal. It shall be the duty of the commission, upon receiving such notice and list of interested parties, to immediately notify the parties interested of the time and place designated by it for a hearing and at such time and place, which shall be within twenty days from the date of receiving such notice, hold a hearing and inquire into the reasonableness and correctness of such original grading and such evidence shall be received, as the parties thereto may desire to offer. After such hearing the commission shall make such order affirming or modifying the grade so established by the inspector as the facts may justify.

Appeals to  
Federal  
grain super-  
visor.

If the grading of any grain for which federal standards have been fixed and the same adopted as

official state standards, has not been the subject of a hearing in accordance with paragraph one of this section, any interested party, who is aggrieved with the grading of such grain, may, with the approval of the Secretary of the U. S. Department of Agriculture, appeal to the federal grain supervisor of the supervision district in which the State of Washington may be located. Such federal grain supervisor shall confer with the chief inspector or his deputies and any other interested party and shall make such tests as he may deem necessary to determine the correct grade of the grain in question.

The federal grain supervisor shall issue, or cause to be issued, a Federal Grade Certificate to all interested parties, which shall state the grade of the grain as determined by such tests, also number of the inspector's certificate, which is superseded by the Federal Appeal Grade Certificate and the following statement "This certificate is issued pursuant to the United States Grain Standards Act of Section Sixteen, Chapter 189, Laws of Washington 1919." Such Federal Appeal Grade Certificate shall be *prima facie* evidence of the correct grade of the grain in any court in the State of Washington. The federal supervisor shall charge and assess and cause to be collected for each such appeal a fee of three dollars (\$3.00), which shall be paid to the commission and the same shall be refunded if the appeal is sustained.

SEC. 4. That section 22 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 22. Every public warehouseman shall receive for storage and shipment, so far as the capacity of his warehouse will permit, all grain, hay and any commodity included in the provisions of this act, in a warehouse for this purpose, in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. A ware-

Duty to  
store.

Warehouse  
receipts.

house receipt in form prescribed by law, consecutively numbered, shall be issued and delivered to the owner or his representative immediately upon receipt of each load or parcel of grain, hay, or other commodity, as he may demand, giving the true and correct grade and weight thereof: *Provided*, That upon request of the owner, grain, hay or other commodity shall be put in a special pile without grading, and if grain, hay or other commodity have been wet or damaged it shall be received and piled in a special pile, with a distinguishing mark, which shall be shown on the receipt for the same and given for the number of sacks only, or bales. The failure to issue, when requested, said receipt shall be subject to a penalty, as hereinafter provided.

Approval of plans to change or build warehouse or mill.

If any public or terminal warehouseman or association desires to remodel, change or alter or construct a new public or terminal warehouse or mill, in whole or in part, it shall first prepare plans and specifications setting forth in detail all of the proposed changes, and submit the same to the commission for its approval, and when said commission has approved the plans it shall issue a permit to the interested party asking for same. The commission's interest in the proposed construction is primary in that part affecting the receiving and discharging of grain, hay and other commodities, both as to weighing and inspecting same, and providing safeguards for the employees of the state.

SEC. 5. That section 24 of chapter 189 of the Laws of 1919 be amended to read as follows:

Annual and special reports of warehousemen.

Section 24. On June 30th of each year every warehouseman shall make a report, under oath, to the commission, on blanks or forms prepared by it, showing the total number of sacks and weight of each kind of grain and other commodities and bales and weight of hay, received and shipped from each warehouse licensed under this act, and also: the

amount of outstanding storage receipts on said date, and a statement of the amount of grain, hay and other commodities on hand to cover the same. The commission may also require special reports from such warehouseman at such times as the commission may deem expedient. The commission may cause every such warehouse and business thereof and the mode of conducting the same to be inspected by one or more of its members or by its authorized agent whenever proper, and the property, books, records, accounts, papers and proceedings of every such warehouseman shall at all times during business hours be subject to such inspection.

SEC. 6. That section 25 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 25. Whenever required by the commission, every railroad company shall construct and maintain at each station and siding in this state, suitable facilities for the purpose of loading bulk grain, hay or other commodities direct from wagons into cars for shipment. The commission may require an increase in such facilities or additional facilities such as will protect products being loaded from damage by rain or sun whenever it deems it necessary for the protection of the farm products and to facilitate loading. Whenever hay is inspected at shipping points, a certificate shall be issued giving the date of inspection, the point shipped from, the number and the initial of the car, the kind, grade and condition of the hay, the number of bales, and signed by the inspector fixing the grades and making the inspection; such certificate to be issued in triplicate. The original certificate shall be given to the shipper and shall be by him attached to and forwarded with and as a part of the bill of lading; the duplicate shall be sent to the main office for its files,

Loading facilities.

Inspection of hay at shipping point.

and the triplicate to be retained in the files of the inspector.

SEC. 7. That section 29 of chapter 189 of the Laws of 1919 be amended to read as follows:

Section 29. Any railroad delivering grain or hay in cars at any of the places provided with state inspection under this act shall provide convenient and suitable side tracks and loading facilities at such places as the commission may designate, on which all cars of grain or hay delivered by them shall, upon arrival, be set and arranged convenient for inspection, and after inspection such railroad company shall promptly distribute all such cars of grain and hay and set them at the proper place or places to be unloaded as designated by the consignor or consignee. Such railroad company shall provide at such place or places as the commission may designate suitable track scales for weighing cars of grain or hay. Such scales shall be under the control of the commission. It shall be the duty of the commission to require the railroad company to correct all scales so provided as often as may be necessary to insure the correct weighing of grain or hay. Whenever scales have been installed by any railroad company as above provided such scales shall be used in weighing all grain or hay received over the line of such railway and it shall be the duty of the railroad company to weigh cars loaded with grain, hay or other commodities included in the provisions of this act, while loaded and to reweigh the car when the load has been removed therefrom. Failure or neglect to carry out the provisions of this act by any railroad company shall subject it to a fine of not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00) for each offense: *Provided*, That if any terminal warehouse in inspection cities are provided with proper scales and weighing facilities, the Chief Inspector or his deputy may weigh the

Side tracks.

Track scales.

Penalty for violations.

grain upon the scales so provided. The commission at least once each year cause to be examined, tested and corrected all scales used in weighing grain or hay in any of the cities designated as inspection points in this act or such places as may be hereinafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing grain or hay for the ensuing year, unless sooner revoked by the commission. If such scales be found to be inaccurate or unfit for use, the commission shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them, and until thus repaired to the satisfaction of the commission, the certificate of such party shall be suspended or revoked, in the discretion of the commission. The party receiving such certificate shall pay to the commission a reasonable fee for such inspection and certificate to be fixed by the commission, which sum shall be paid into the state treasury. It shall be the duty of the said commission to see the provisions of this section are strictly enforced.

Inspection of  
scales in  
cities.

SEC. 8. When the director of agriculture shall be appointed, qualify, assume and exercise the duties of his office, under the provisions of chapter 7 of the laws of 1921, he shall, through and by means of the division of agriculture, exercise all the powers and perform all the duties by this act vested in, and required to be performed by, the Public service Commission of Washington.

Exercise of  
powers and  
duties con-  
ferred.

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

Emergency.

its existing institutions, and shall take effect immediately.

Passed the House March 5, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 146.

[H. B. 192.]

### DIKING DISTRICTS.

AN ACT relating to diking districts, and amending sections 1946-1, 1946-2, 1946-3, 1946-6 and 1946-21 Pierce's Code.

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

SECTION 1. That section 1946-1 Pierce's Code be amended to read as follows:

Organization  
of, author-  
ized.

Section 1946-1. Any portion of a county requiring diking may be organized into a diking district, and when so organized, such district, and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred or that may hereafter be conferred by law upon such district and board of commissioners, and said district shall be known and designated as diking district No..... (here insert number) of the county of..... (here insert the name of county) of the State of Washington, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal. The commissioners hereinafter provided for, and their successors in office, shall, from the time of the organization of such diking district, have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and

execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and perform such other acts as hereinafter provided, or that may hereafter be provided by law.

SEC. 2. That section 1946-2 Pierce's Code be amended to read as follows:

Section 1946-2. For the purpose of the formation of such diking districts a petition shall be presented to the board of county commissioners of the county in which said proposed diking district is located, which petition shall set forth the object for the creation of said district; shall designate the boundaries thereof and set forth therein the number of acres of land to be benefited by the proposed diking system, and shall also contain the names of all the record owners of land within said proposed district, (so far as known), and shall contain a brief description of the proposed system of diking, the route over which the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof, and set forth the further fact that the establishment of said district and the proposed system of diking will be conducive to the public health, convenience and welfare, and increase the public revenue, and that the establishment of said district and said system of diking will be of special benefit to the property included therein. Said petition shall be signed by such a number as own at least a majority of the acreage in the proposed district, and shall pray that the same be organized under the provisions of this chapter. Said petitioners shall, at the time of the filing of said petition, file a bond with said commissioners, running to the State of Washington, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county com- How formed.

missioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

SEC. 3. That section 1946-3 Pierce's Code be amended to read as follows:

Petition.

Section 1946-3. Said petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing, the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing said board of county commissioners shall make such changes in the proposed boundaries as they deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed system of dikes, and shall find whether the proposed diking system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the land included within the said boundaries of said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said

boundary lines to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons, or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended to include other lands described therein; setting forth in said petition the reason therefor; but no person, persons, or corporations not owning lands included within the boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided*, Any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any diking district heretofore or hereafter established may be extended by the board of county commissioners to include other lands in said county, upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain, with reference to the extension, such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original diking district: *Provided further*, That all necessary expense incident to making such extension, together with a proportionate share of the first cost of any system of dikes existing in the original diking district at the time of making such extension, shall be levied against and apportioned to the land included in such extension, as in this act pro-

vided. In such case, the board of county commissioners shall give like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time, for a period of not exceeding sixty days; and if, upon final hearing, the board of county commissioners deem it advisable and to the best interests of all concerned, they may grant the prayer of said petitioners in whole or in part, and said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard upon the final hearing thereof.

SEC. 4. That section 1946-6 Pierce's Code be amended to read as follows:

Section 1946-6. A general election for the election of a board of dike commissioners for such district shall be held upon the first Tuesday after the first Monday 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 held in accordance with the general election laws of the State of Washington for the election of county and state officers, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said

Election for  
commission-  
ers.

Term of  
office.

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 in four public places within said district. 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. 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.

SEC. 5. That section 1946-21 Pierce's Code be amended to read as follows:

Section 1946-21. Said board of dike commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties, as provided by law. In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of the county owning land in the district by the judge of the superior court of said county, and said appointee shall serve the unexpired term, or until the next general election or until a successor is elected and qualified: *Provided*, That in counties

Powers and  
duties of  
commission-  
ers.

where there may be more than one superior judge, the judge eldest in age shall make such appointment.

Passed the House February 26, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 147.

[H. B. 199.]

### SCHOOL CODE AMENDMENTS.

AN ACT relating to school district bonds, and amending sections 5110 and 5116 Pierce's Code.

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

SECTION 1. That section 5110 of Pierce's Code (Laws 1919 Chapter 9) be amended to read as follows:

Bond issues.

Section 5110. The board of directors of any school district provided for in this act, or hereafter created in this state may borrow money and issue negotiable coupon bonds therefor to any amount not to exceed five (5) per cent of the taxable property in such district, as shown by the last assessment roll for county and state 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, for the purpose of funding outstanding indebtedness, or bonds heretofore issued, or issued under the provisions of this act, or for the purchase of a school house site or sites for buildings or playgrounds authorized by law, erecting one or more school houses, an administration building and all other buildings authorized by law and providing the same with all necessary furniture, apparatus or equipment, or for any or all

of these purposes, when authorized by vote of the district so to do, as provided in the next section: *Provided*, That the bonds so issued shall bear a rate of interest not to exceed six (6) per cent per annum, interest payable annually or semi-annually, payable and redeemable at such time as may be designated in the bonds. All school district bonds shall be payable within a period of not to exceed twenty-three years from date, except when issued by districts of the first class for the purpose of acquiring buildings or playground sites, or for erecting buildings of a permanent character, in which case they shall be made payable in semi-annual or annual installments, beginning the third year over any period not exceeding forty years from date: *And provided further*, That from and after July 1, 1919, all bonds issued by any school district shall be issued in serial form.

SEC. 2. That section 5116 of Pierce's Code (Laws 1911 p. 390) be amended to read as follows:

Section 5116. The county commissioners must ascertain and levy annually, in addition to the school district tax, the tax necessary to pay the interest upon such bonds as it becomes due, and at the expiration of one-half of the time for which said bonds are to run, and annually thereafter, until full payment of said bonds is made, they shall levy, in addition to the tax required to pay the interest such amount for sinking fund to meet the payments of said bonds at maturity, to be determined by dividing the amount of bonds outstanding by the remaining number of years to run, and the fund arising from such levy shall be kept as the bond redemption fund of said district, and each of said tax levies shall be a lien upon the property of said district, and must be collected in the same manner as the taxes for other school purposes: *Provided*, That the county treasurer, when authorized to do so by the board of

Redemption  
fund.

directors of any school district, may invest any accumulated or other sinking fund of said district in general bonds or warrants of the State of Washington, or of any school district, city or county therein, if the maturity of the bonds precedes the maturity of the bonds for which said sinking fund is being accumulated, and all profits accruing from such investment and the fund so invested shall revert to the sinking or other fund of said district, and the county treasurer shall be custodian of all bonds or warrants purchased by and with the said sinking fund, until the same are redeemed: *And provided further*, That the county treasurer, when authorized to do so by the board of directors of any school district, may purchase and redeem any of the outstanding bonds of said district, paying for said bonds out of the accumulated sinking fund of the district; all revenues provided for in this section shall constitute a separate fund, to be known as the bond redemption fund.

Passed the House March 3, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 148.

[H. B. 198.]

### RIGHTS OF WAY OVER STATE LANDS.

AN ACT relating to the public lands of the State, granting rights of way thereon, and amending sections 7686 and 7687 Pierce's Code.

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

SECTION 1. That section 7686 Pierce's Code (Laws 1919 Chapter 97) be amended to read as follows:

Section 7686. A right of way through, over and across the public lands of the State of Washington

Purposes for which grants authorized.

is hereby granted to any municipal or private corporation, company, association or individual, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume or pipe line for the domestic water supply of any municipality, or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

SEC. 2. That section 7687 Pierce's Code (Laws of 1919 Chapter 97) be amended to read as follows:

Procedure to  
obtain grant.

Section 7687. In order to obtain the benefits of this grant, such municipal or private corporation, company, association or individuals constructing or proposing to construct, or which has heretofore constructed, such telephone line, ditch, flume, pipe line or transmission line, shall file with the Board of State Land Commissioners a map, accompanied by the field notes of the survey and location of such telephone line, ditch, flume, pipe line, or transmission line, and shall pay to the state as hereinafter provided the amount of the appraised value of said lands and improvements, if any, used for or included within said right of way. The land within said right of way shall be limited to an amount necessary for the construction of said telephone line, ditch, flume, pipe line, or transmission line sufficient for the purpose required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same, and shall include the right to cut all standing timber within a radius of 200 feet on either side of said telephone line, ditch, flume, pipe line, or transmission line, which shall be dangerous to the operation and maintenance of the same.

Passed the House February 26, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 149.

[H. B. 164.]

## POWERS OF STATE PARKS COMMITTEE.

AN ACT relating to parks, parkways and state lands, and providing penalties for the act.

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

Appointment  
of secretary  
of parks  
committee.

SECTION 1. The state parks committee shall have the power to appoint and employ an executive secretary who shall have such powers and perform such duties as may be prescribed by the committee.

Powers of  
committee.

SEC. 2. The state parks committee shall have power:

(1) To have the care, charge, control and supervision of all parks and parkways heretofore or hereafter acquired or set aside by the state for park or parkway purposes.

(2) To plant trees along public highways in the non-forested or other area of the state, and to care for the same.

(3) To adopt, promulgate, issue and enforce rules and regulations pertaining to the use, care and administration of state parks and parkways. Every such rule and regulation shall become effective ten days after its adoption. The committee shall cause a copy of the rules and regulations to be kept posted in a conspicuous place in every state park to which the same are applicable, but failure to post or keep any rule or regulation posted shall be no defense to any prosecution for the violation thereof.

(4) To permit the use of state parks and parkways by campers and the public generally under such rules and regulations as shall be prescribed as aforesaid.

(4½) To clear, drain, grade, seed and otherwise improve and or beautify any parks and parkways,

and to erect structures, buildings, fireplaces, comfort stations and build and maintain paths, trails and roadways through an or on parks and parkways.

(5) To grant concessions in state parks and parkways, upon such rentals, fees or percentage of income or profits and for such terms, in no event longer than five years, and upon such conditions as shall be approved by the committee. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway, but the committee may in its discretion itself impose fees upon campers upon state parks and parkways. All fees received by the committee shall be deposited in the state park and parkway fund.

(6) To employ such assistance as it may deem necessary.

(7) To select and to purchase, lease or in any manner acquire for and in the name of the State of Washington such tracts of land, including shore and tide lands, for parks or parkway purposes as it shall deem proper, subject to the following provisions; (a) No tract, except tracts acquired by donation or bequest, and timbered tracts which abutt upon a public highway, actually constructed or located or projected shall be acquired unless the acquisition thereof be specifically authorized by the Legislature. (b) If the committee cannot acquire any tract which it is authorized to acquire, at a price it deems reasonable, then the committee is hereby vested with power to obtain title thereto, or any part thereof, by condemnation. Such condemnation shall be conducted by the attorney general and the proceedings therefor, in so far as practicable, shall be any which now is or may hereafter be authorized for the condemnation of rights of way for state highways.

(8) To cooperate or to join with the United States, any county or counties, city or cities of this state, in any matter pertaining to the acquisition for park or parkway purposes of any area within this state not within the city limits of any city, and in the care, control or supervision of any park or parkway now or hereafter acquired which shall be so situated, and, when deemed advisable by the committee, to enter into any contract in writing with any such public organization or organizations, its or their officer or officers board or boards, to that end. All parks or parkways, to the acquisition or improvement of which the state shall have contributed or in whose care, control or supervision the state shall participate pursuant to the provisions of this section, shall in so far as practicable be governed by the provisions of this act, including the penal provisions thereof.

(9) To investigate and report to the Governor on or before the first day of January next preceding the regular session of the Legislature regarding any proposed park or parkway, and in such report to make recommendations respecting other regions in the State of Washington desirable for state park or parkway purposes, either on account of their historical interest, their natural beauty or otherwise.

Additional  
powers.

SEC. 3. The state parks committee shall also have the power subject to approval of the Legislature to receive in trust any money donated or bequeathed to it, and to carry out the terms, if any, of such donation or bequest, or, in the absence of such terms, to expend the same as it may deem advisable for park or parkway purposes. Money so received shall be deposited in the state treasury.

Withdrawal  
of granted  
lands from  
sale.

SEC. 4. Whereas the value of land with standing timber is increasing from year to year and will continue to increase, and no loss will be caused to

the common school fund or other fund into which the proceeds of the sale of any land held by the state would be paid by postponing the sale of such lands, therefore, the commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks committee, withdraw from sale any land held by the state abutting on any public highway and certify to the committee that such lands are withheld from sale pursuant to the terms of this act. Such lands withheld as aforesaid shall not be sold until directed by the Legislature, and shall in the meantime be under the care, charge, control and supervision of the committee.

SEC. 5. The commissioner of public lands may, upon his own motion, and shall, when directed so to do by the state parks committee, withdraw from sale any land held by the state and not acquired directly from the United States with reservations as to the manner of sale thereof and the purposes for which the same may be sold, and certify to said committee that such lands are withheld from sale pursuant to the terms of this act. All such lands shall be under the care, charge, control and supervision of the state parks committee, and any such lands may, after appraisal in such manner as the committee may direct, be exchanged for land of equal value abutting upon a public highway, and to this end the chairman and secretary of the committee are hereby authorized to execute deeds of conveyance in the name of the State of Washington.

Withdrawal  
of lands not  
acquired  
from United  
States.

SEC. 6. All state parks and parkways, subject to the provisions of this act, shall be and hereby are set apart and dedicated as public parks and parkways for the benefit and enjoyment of all of the people of this state.

Dedication of  
public parks,  
etc.

SEC. 7. The members of the state parks committee and such of its employees as the committee

Powers of  
committee.

shall designate shall be vested with police powers to enforce the laws of this state.

SEC. 8. Every person who shall—

Violations  
and penalty.

(1) Cut, break, injure, destroy, take or remove any tree, shrub, timber, plant or natural object in any park or parkway;

(2) Kill, cause to be killed, or pursue with intent to kill, any bird or animal in any park or parkway;

(3) Take any fish from the waters of any park or parkway, except in conformity with such general rules and regulations as state parks committee may prescribe;

(4) Wilfully mutilate, injure, deface, or destroy any guide post, notice, tablet, fence, enclosure or work for the protection or ornamentation of any park or parkway;

(5) Light any fire upon any park or parkway, except in such places as the state parks committee shall have authorized, or wilfully or carelessly permit any fire which he has lighted or caused to be lighted or which shall be under his charge, to spread or extend to or burn any of the shrubbery, trees, timber, ornaments or improvements upon any park or parkway, or leave any camp fire which he shall have lighted or which shall have been left in his charge, unattended by a competent person, without extinguishing the same;

(6) Place within any park or parkway or affix to any object therein contained, without a written license from the state parks committee, any word, character or device designed to advertise any business, profession, article, thing, exhibition, matter or event;

(7) Violate any rule or regulation adopted, promulgated, or issued by the state parks committee pursuant to the provisions of this act;

Shall be guilty of a misdemeanor.

SEC. 9. The state parks committee shall succeed to all the files and records of the heretofore existing state board of park commissioners.

Records of state board of park commissioners.

SEC. 10. Nothing herein contained shall be construed to repeal, by implication or otherwise, any existing criminal statute of this state.

Scope of act.

SEC. 11. In case any section or portion of this act shall be held to be unconstitutional or invalid, it shall not affect the remainder of the act.

Partial validity.

SEC. 12. For the purpose of carrying out the provisions of this act, there is hereby appropriated from the State Park and Parkways Fund, the sum of fifty thousand (\$50,000.00) dollars (in no case to exceed the amounts placed to the credit of this fund.

Appropriation \$50,000.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

### CHAPTER 150.

[H. B. 180.]

#### EXTERMINATION OF NOXIOUS WEEDS.

AN ACT relating to noxious weeds, and authorizing the county commissioners to create and administer weed districts and to levy a tax therefor.

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

SECTION 1. For the purpose of preventing, destroying or exterminating any and all weeds or plants including Scotch Broom now classed, or hereafter to be classed by the department of agriculture or the director of Business Control of this state, as noxious weeds or plants detrimental to or de-

Creation of weed districts authorized.

structive of crops, fruit trees, shrubs, valuable plants, forage or other agricultural plants or products, and to prevent the introduction, propagation, cultivation or increase in number of any of the above described weeds or plants, the board of county commissioners of any county may create a weed district or districts within such county, and may enlarge any district or territory contained in a larger territory within the whole county, or reduce any district, or create or combine or consolidate districts, or divide or create new districts, from time to time in the manner hereinafter set forth.

Petition for inclusion.

SEC. 2. Whenever one or more freeholders, owning more than fifty per cent of the acreage desired to be included in a proposed weed district, shall petition that their land be included, either separately or with other lands designated in the petition, in a district to be formed for the purpose of preventing, destroying or exterminating any and all weeds as described in section 1 of this act, or that such lands be included within a district already formed by the enlargement of such district, or a new district or districts to be formed out of a district or districts then in existence or out of territory partly in districts already formed and not included in any district, and such petition states the boundaries of such districts, which shall include not less than four sections of land, the board shall fix a time for the hearing of such petition and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district and posting one copy of such notice at the court house or place of business of the board, and by mailing copies of such notice to each of the land owners in the petition to the addresses named therein and a copy to the State Land Commissioner, provided the state owns land in the district.

SEC. 3. Upon the hearing of such petition the board shall determine whether such district shall be created and, if so, shall fix the boundaries thereof, but shall not enlarge the boundaries of proposed districts, or enlarge or change the boundary or boundaries of any district or districts already formed without first giving notice to all parties interested, as provided in section 2 of this act: *Provided, however,* That the boundary of such district shall be along an established road or along scab, uncleared, or grazing land except lands in Western Washington infested in Scotch Broom: *Provided also,* That no scab, uncleared, or grazing land shall be included in such district, except such as shall lie wholly within the cultivated or farming lands in the district petitioned for. Any quarter section of land 75% of which is cultivated for farming shall be considered cultivated and farming land for the purposes of this act.

Hearing and order.

SEC. 4. If the board shall find that the lands to be included will be benefited by the creation of such a district or districts, or the changing thereof, it shall designate the territory included therein as weed district No..... for..... county.

Designation of district.

SEC. 5. The county treasurer shall be *ex-officio* treasurer for each of such districts so formed and the county assessor and other county officers shall take notice of the formation of such district or districts and shall be governed thereby according to the provisions of this act. The tax levies as hereinafter provided for shall be extended on the tax rolls against the property liable therefor the same as other taxes are extended, and shall become a part of the general tax against such property and be collected and accounted for the same as other taxes are, with the terms and penalties attached thereto. The moneys so collected shall be held and disbursed

Collection of tax levies.

as a special fund for such district and shall be paid out only on warrants issued by the county auditor upon voucher approved by the board of county commissioners.

Supervision.

SEC. 6. The board of county commissioners shall have general supervision of the methods and means of preventing, destroying and exterminating any noxious weeds as in this act defined, and of the expenditure of the funds of such district to accomplish the purposes for which such funds were raised. Any member of the board of county commissioners engaged in the administration of this act shall be entitled to his actual expenses and his per diem as county commissioner the same as if he were doing other county business.

Inclusion of county or state lands.

SEC. 7. Whenever there shall be included within any weed district lands belonging to the county, the board of county commissioners shall determine the amount of the tax for which such lands would be liable if the same were in private ownership for each subdivision of forty acres or fraction thereof. The assessor shall transmit to the county commissioners a statement of the amounts so due from county lands and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state, granted, school or other public lands of the state shall be situated within any weed district organized under the provisions of this act, the county treasurer shall certify annually and forward to the Commissioner of Public Lands or to the State Board of Control (or Director of Business Control) (if such lands are occupied by or used in connection with any state institution) a statement of the amounts assessed against said lands under the provisions of this act separately describing each such lot or parcel of the state's lands and the Com-

missioner of Public Lands shall then certify said statement to the State Auditor and the State Board of Control (or Director of Business Control) shall cause a proper record to be made in its office of such charges against the lands occupied by the state institutions or used in connection therewith and shall certify said statement to the State Auditor and the State Auditor at the next session of the Legislature shall certify to the Legislature the amount of such charges against the lands of the state and the Legislature shall provide for the payment of the same with interest, by appropriation out of the general fund of the state, provided that no penalty shall be provided or enforced against the state and no interest on the assessments levied greater than six per cent per annum shall be attached to or allowed by the state on the charges so certified under the provisions of this act.

SEC. 8. No district shall be permitted to contract obligations in excess of the estimated revenues for the two years next succeeding the incurring of such indebtedness and it shall be unlawful for the county commissioners to approve of any bills which will exceed the revenue to any district which shall be estimated to be received by such district during the next two years.

Contractual  
limitations.

SEC. 9. Upon complaint of any freeholder or lessee of said district the county commissioners shall investigate and determine whether on any tract or tracts of land within the district the weeds are being properly destroyed or exterminated according to law. If they determine that such weeds are not being so destroyed or exterminated, they shall order them exterminated in the manner provided in sections 126, 127, 128, 129 and 130 Pierce's Code, 3040 to 3042-2 inclusive of Rem. & Bal. Code, except that for the purposes of this act the term "road super-

Complaints.

visor'' as used in said sections 126, 127, 128, 129 and 130 Pierce's Code, 3040 to 3042-2 inclusive shall be held and construed to mean and include any person designated by the county commissioners to report, investigate or exterminate such noxious weeds: *Provided*, That this section shall not apply to such weeds growing among growing grain.

Passed the House March 2, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 151.

[H. B. 129.]

### UNINCORPORATED AREA WITHIN CERTAIN FIRST CLASS CITIES.

AN ACT relating to the incorporation of areas lying wholly within the limits of certain cities of the first class,

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

SECTION 1. Any unincorporated area now lying wholly within the limits of any city of the first class having a population of 250,000 or upwards is hereby declared to be incorporated in, and to become a part of, the territorial limits of such city, and same shall be subject to the jurisdiction, laws and ordinances relating thereto: *Provided*, That no property so situated and so incorporated shall ever be taxed or assessed to pay any portion of the existing indebtedness of such city at the time this act shall take effect and contracted prior to, or existing, at the date of the passage of this act.

Passed the House February 23, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 21, 1921.

Area  
becomes part  
of city.

## CHAPTER 152.

[H. B. 230.]

LEASING OF STATE LANDS FOR PETROLEUM AND  
NATURAL GAS.

AN ACT relating to the leasing and re-leasing of state lands for the mining and extraction of petroleum and natural gas, amending sections 6499, 6502, and 6502b Pierce's Code and adding thereto a new section numbered 6502c.

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

SECTION 1. That section 6499 Pierce's Code (Laws 1919 Chapter 155) be amended to read as follows:

Section 6499. No lease or re-lease shall be made by the state for any sum less than fifteen cents per acre for the first year, thirty cents per acre for the second year, forty cents per acre for the third year, fifty cents per acre for the fourth year, and sixty cents per acre for the fifth year, and each year thereafter during the term of the lease, and in addition thereto the said lease shall provide that the state shall be entitled to receive a sum not less than ten per cent of the gross value of all petroleum and natural gas extracted from the land described in the lease during the term of said lease, payable semi-annually during said term: *Provided*, That all rentals accruing during the period of actual production shall at each semi-annual royalty payment date be deducted from royalties to be paid to the state. The term "gross value" shall be interpreted to mean the value of the oil or gas at the well when produced, without deduction for expense of production. The term of any such lease shall not exceed twenty years.

Minimum price.

Royalty.

SEC. 2. That section 6502 Pierce's Code (Laws 1919 Chapter 155) be amended to read as follows:

Section 6502. All leases under the terms of this chapter shall be deemed to be void and of no effect

Land must be worked.

unless the lessee or his assigns shall commence the work of drilling or boring for petroleum oil and gas within such period as may be designated by the commissioner of public lands, not exceeding five years from and after the date of the execution of such lease: *Provided*, That such work of development shall proceed continuously and at no time cease for a greater period than ninety (90) days: *And provided further*, That whenever oil or natural gas be discovered by such work in paying quantities then no further work need be done under the terms of such lease than to mine, secure and store the same, but failure to operate after discovery of oil or natural gas in paying quantities for any period of ninety (90) consecutive days shall work a forfeiture of the lease: *Provided, however*, That if in the event of any failure to operate as continuously as herein provided, such failure to operate should be due to no fault or negligence of the lessee, or if for any sufficient reason such as market conditions, lack or failure of transportation or from other good and sufficient cause, the best interests of the State of Washington and the lessee should make desirable and expedient a temporary suspension of operation and production, then and in any such event the commissioner may from time to time grant permit or permits for such suspension of operation and production without in any way affecting the validity of the lease.

SEC. 3. That section 6502-b Pierce's Code (Laws 1919 Chapter 155) be amended to read as follows:

Section 6502-b. If, at the expiration of any such lease for the mining and extraction of petroleum or natural gas, or any renewal thereof, the lessee desires to re-lease the lands covered thereby, he may make application to the commissioner of public lands for a re-lease. Such application shall be made

within thirty days after the expiration of the lease, and shall be in writing and under oath, setting forth the character and value of all improvements existing on the land, the name and postoffice address of the owner thereof, the purpose for which he desires to re-lease the land, and such other information as the commissioner of public lands may require, and shall be accompanied with a deposit of ten dollars (\$10.00), which deposit, if the land be not leased, through the failure or refusal of the applicant to accept a lease at the rate fixed by the commissioner of public lands, shall be forfeited to the state and by the commissioner paid to the state treasurer and credited to the general fund of the state. The commissioner of public lands may, upon the filing of such application, cause the lands to be inspected by a state land inspector; and if he deems it for the best interests of the state to release said lands, he shall fix the rental value thereof, which rental value shall in no case be less than the original rental provided in this act, and, upon receipt of the first year's rental, together with the fees required by law, the commissioner of public lands shall issue to the applicant a renewal lease for any period not exceeding twenty years. The commissioner of public lands shall notify the applicant by mail, of the rental value fixed, and if, within thirty days after the date of such notice, the applicant fails or refuses to pay to the commissioner of public lands the first year's rental, together with the statutory fee for issuing a lease, the application shall be rejected and the applicant thereunder permitted to remove such improvements from the land as may be removed without injury thereto, within ninety days from such rejection; the commissioner of public lands may cause such of the improvements remaining as in his judgment will add value to the land for leasing purposes to be appraised, in the

Removal of  
improve-  
ments.

same manner as in the case of the sale of land, offer the land for lease at public auction to the highest bidder, as provided for original leases, and if the successful bidder be not the owner of the improvements, he shall deposit with the officer making the sale the appraised value of the improvements. The amount so deposited as the appraised value of the improvements, together with the first year's rental and the fees required by law, shall be transmitted to the commissioner of public lands, and upon confirmation of the lease by the commissioner of public lands, the amount so deposited in payment for the improvements shall be disposed of by the commissioner of public lands in the same manner as in the case of the sale of the land: *Provided*, That no bid shall be received for less than the minimum price fixed by the commissioner of public lands.

SEC. 4. That a new section be added to Pierce's Code to be numbered 6502c to read as follows:

Surrender of existing lease and lieu lease issued.

Section 6502c. The owner and holder of any lease for the mining and extraction of petroleum and natural gas issued under any law heretofore existing shall have the right within ninety days after this act takes effect to surrender such lease to the commissioner of public lands and have issued to him in lieu thereof a lease under the provisions of this act upon complying with the terms hereof, in which event all unearned rental paid on the surrendered lease shall apply in full toward rental on the lease issued in lieu thereof.

When act takes effect.

SEC. 5. This act shall not take effect unless and until the Congress of the United States shall have passed an act consenting to and permitting the leasing of lands the title to which had passed to and vested in the State of Washington, because not known to contain deposits of minerals, oil, oil shale, or gas, at the date of the admission of the state

into the Union, or when such title is held to have otherwise attached, pursuant to the enabling act approved February 22, 1889, and acts amendatory thereof, for the development and mining of such deposits of mineral, oil, oil shale or gas, for such terms as the Legislature of the State of Washington may prescribe not exceeding twenty years, and said act shall have been approved or shall become a law.

Passed the House March 4, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 153.

[H. B. 231.]

### AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to agricultural and vegetable seeds, providing for the licensing of dealers therein, prescribing penalties, and amending sections 5, 7, 9, 10, 13, 14 and 16 of chapter 183 of the laws of 1919.

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

SECTION 1. That section 5 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 5. No person shall sell, offer or expose for sale or distribution for the purposes of seeding, in packages of one pound or more, any seeds of clovers (*trifolium*), alfalfa (*medicago sativa*), wheat (*triticum*), barley (*hordeum*), rye (*secale cereale*), oats (*avena sativa*), bromo grass (*bromus inermis*), meadow fescue (*festuca pratensis*), tall oat grass (*arrhenatherum avenae*), orchard grass (*dactylis glomerata*), perennial rye grass (*lolium perenne*), Italian rye grass (*lolium italicum*), timothy (*phleum pratense*), red top (*agrostis alba*), in or from any

Packages,  
how marked.

receptacle unless such receptacle, package, sack or bag, or a label securely attached thereto, be marked in plain legible type or script with:

(a) The commonly accepted name of the seed.

(b) The approximate percentage by weight of purity and the germination and date of test.

(c) If grown in this state the words "grown in Washington." If imported into this state the name of such state or country in which it was grown.

(d) The name and address of seedsman.

Wheat (*triticum*), barley (*hordeum*), rye (*secale cereale*), oats (*avena sativa*) or other agricultural seeds, when designated by variety name, or as spring, fall or winter seeds, shall be construed as coming under the provisions of this act.

SEC. 2. That section 7 chapter 183 of the laws of 1919 be amended to read as follows:

Section 7. Every lot of agricultural seeds which is a mixture of the seed of two or more species of grasses, or of clovers, or of both and which is sold, offered or exposed for sale, or had in possession with intent to sell within this state as a mixture of the seeds of two or more species of grasses, or of clovers, or of both, shall have affixed thereto in a conspicuous place on the exterior of the container of such mixtures of seeds, a written or printed label in the English language in a plain legible type or script containing a statement specifying:

(a) That the agricultural seed contained therein is a mixture.

(b) The name and approximate percentage by weight of each kind of agricultural seed present in such mixture in excess of two (2) per cent by weight of total mixture.

(c) The approximate percentage by weight of weed seeds contained in such mixtures when in excess of one (1) per cent.

Seed mix-  
tures, how  
labeled.

(d) The percentage by weight of inert matter in such mixture: *Provided*, That the term "inert matter" shall include within its meaning all materials which are not of plant origin, all portions of plant tissue which do not enclose seed or seeds, and all fragments of seeds which do not contain the essential elements of the embryo or germ of such seed.

(e) The full name and address of the seedsman, importer, dealer, or agent, or other person or persons, firm or corporation, selling, offering or exposing the said mixture for sale within the state.

SEC. 3. That section 9 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 9. No person shall sell, offer or expose for sale or distribution for the purpose of seeding, any agricultural seeds as herein defined, unless such agricultural seeds contain less than one (1) to twenty thousand (20,000) of the following weeds:

Adulteration  
with weed  
seeds.

Quack grass (*agropyron repons*)

Canada thistle (*Cnieus arvensis*)

Dodder (*Cuscuta specuas*)

Corn cocle (*Lychnis githago*)

Fanweed (*Thlaspi arvenso*)

SEC. 4. That section 10 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 10. (a) No person shall sell, offer or expose for sale or distribution for the purpose of seeding any agricultural seeds as herein defined which shall contain more than (1) to twenty-five hundred (2,500) of the seeds under examination of the following weeds:

Russian thistle (*Salsola postifer*)

Charlock (*Brassica arvensis*)

Jim Hill mustard (*Sysmbrium albissimum*)

Plant in buckhorn (*Plantago Lancoolata*)

Bindwood (*Convolvulus sepium*)

or more than one (1) to one thousand (1,000) under examination of the seeds of wild oats (*Avena fatua*).

(b) Weed seeds of any other kind than those mentioned in section 9 and section 10, paragraph (a), when found in any sample of agricultural seed shall be classed as impurities therein and when presented in quantities exceeding two per cent of the sample, either singly or in combination, the approximate percentage of each shall be stated on the label attached to the container or stamped on the container itself.

The director of agriculture may make regulations determining the species of noxious weeds which shall be included with those mentioned in section 9 or section 10, paragraph (a).

SEC. 5. That section 13 of chapter 183 of the laws of 1919 be amended to read as follows:

Misbranding,  
what consti-  
tutes.

Section 13. For the purposes of this act, seed shall be deemed to be misbranded:

1. When meadow fescue (*festuca olatior pratensis*), English rye grass (*lolium perenne*) or Italian rye grass (*lolium italicum*) is labeled or sold under the name of orchard grass (*dactylis glomerata*) seed.

2. When Canadian blue grass (*poa compressa*) seed, red top (*agrostis alba*) seed, or any other seed not blue grass seed, is sold under the name of Kentucky blue grass or blue grass (*pop pratensis*) seed.

3. When yellow trefoil (*medicago lupulina*), burr clover (*medicago denticulate*), or sweet clover (*molilotus alba*) is sold under the name of clover, June clover, red clover (*trifolium pratense*), medium red clover, small red clover, mammoth red clover, sapping clover, peavine clover (*T. pratense var*) or alfalfa (*medicago sativa*) seed.

4. When seeds are not true to the name under which they are sold.

SEC. 6. That section 14 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 14. (a) The director of agriculture shall maintain a laboratory with proper equipment for the analysis, grading and making of other tests under this act. Analyses and tests.

(b) Any citizen of this state shall have the privilege of submitting to the director of agriculture, samples of agricultural and vegetable seeds for test and analysis subject to such rules and regulations as may be adopted by said director of agriculture, provided that the director of agriculture may by such regulations fix the maximum number of samples that may be tested free of charge for any one citizen in any one period of time and fix charges for tests or samples submitted in excess of those tested free of charge.

SEC. 7. That section 16 of chapter 183 of the laws of 1919 be amended to read as follows:

Section 16. It shall be the duty of the said director of agriculture, either by himself or his inspectors or assistants, to inspect, examine, and take samples of any agricultural seeds stored, sold, offered or exposed for sale or distribution within this state for seeding purposes, at such time, and place, and to such extent as he may determine. Inspection.

The director, supervisor, inspectors, or assistants shall have free access at all reasonable hours upon and into any vessels, ferries, premises or structures, to make examination of any agricultural seeds whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in possession of any warehouse, elevator, railway or steamship company; and he is hereby given authority in person or by his inspectors or assistants upon notice to the dealer, his agent or representative of any warehouse, elevator, railway Powers and duties.

or steamship company, if present, to take for analysis a sample of such agricultural seeds from a parcel, package, lot or other container or number of parcels, packages, lots, or other containers; said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with, or on the premises of the vendor or party in interest, and the other retained by said director of agriculture or his agent for analysis.

The said director, supervisor, inspectors, and assistants shall be vested with all necessary powers for the proper execution of their duties, including all actions or procedure needful to secure evidence of fraud and dishonest dealing in or the fraudulent advertising of seed.

Prosecutions. Prosecution for violation of this act shall be brought in the proper court by the prosecuting attorney of the county in which said violation occurred, upon complaint of the director, supervisor, inspectors or assistants.

Disposition of fees, fines, etc. All moneys received from license fees, fines, costs imposed and recovered under the provisions of this act shall be paid to the director of agriculture, or his agents, and by him paid into the state treasury to the credit of the seed fund to be used to assist in defraying costs of inspection and analysis and grading of agricultural and vegetable seeds under the provisions of this act.

The director, supervisor, or inspectors shall have the power whenever he shall deem it necessary to call upon the attorney general for aid in the prosecution of all cases arising under the provisions of this act.

Penalty for violation of act. Whoever violates any of the provisions named in this act, or who shall attempt to interfere with the inspectors or assistants in the discharge of the duties named therein, shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-

five dollars (\$25.00) and costs for the first offense and not less than one hundred dollars (\$100.00) and costs for the second or any subsequent offense.

SEC. 8. It shall be unlawful for any person firm or corporation to engage in, conduct, or carry on the business of selling, dealing in or importing into this state for sale or distribution any agricultural or vegetable seed, without first having obtained from the director of agriculture and having in force a license so to do. The license fee shall be ten (10) dollars for those engaged in a regular seed business offering or exposing for sale or distribution for the purposes of seeding agricultural or vegetable seeds. All licenses shall bear the date of issue and shall expire on the first day of July next following the date of issue. The director of agriculture may publish from time to time, in bulletins or reports, a list of those licensed under this act.

License  
required.

SEC. 9. The director of agriculture shall have the power to adopt, promulgate, and enforce rules and regulations for the grading of alfalfa, alsike clover, red clover, white clover, timothy or other agricultural seeds sold for seeding purposes.

Rules and  
regulations.

SEC. 10. The commissioner of agriculture shall have the power and it shall be his duty to exercise all the powers and perform all the duties by this act vested in and imposed upon the director of agriculture until such time as the director of agriculture shall be appointed and qualified and assume and exercise the duties of his office.

Exercise of  
powers and  
duties.

Passed the House February 26, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 154.

[H. B. 273.]

## CONTROL AND MANAGEMENT OF COUNTY ROADS.

AN ACT relating to roads and fixing the compensation of road commissioners, and amending section 5577 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5577 of Rem. & Bal. Code be amended to read as follows:

Division of  
county into  
districts.

Section 5577. Each county commissioner shall be *ex-officio* road commissioner of the several road districts in his commissioner district, and shall see that all of the orders of the board of county commissioners pertaining to roads in his district are properly executed: *Provided*, When in any county the members of the board of county commissioners are not elected by districts, it shall be the duty of the board of county commissioners, by proper order to be entered on its records, to divide such county into commissioners' districts to correspond with the number of members of such board, and to assign to each member of the board one of such districts, of which he shall be such road commissioner: *Provided*, That for time actually spent in the performance of their duties as road commissioners they shall be entitled to the same compensation as is provided by law for their services as county commissioners: *Provided, however*, That the compensation provisions of this act shall not apply to county commissioners whose annual salaries are fixed by law.

Passed the House February 26, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 155.

[H. B. 315.]

## GENERAL APPROPRIATIONS.

AN ACT making an appropriation for the purchase of land for, construction of buildings at, for maintenance of, and sundry expenses at the various State Institutions, schools and State offices, and for the sundry civil expenses of the State government, and for miscellaneous purposes for the fiscal term beginning April 1st, 1921, and ending March 31st, 1923, except as otherwise provided, and making appropriations for certain deficiencies, and declaring that this act shall take effect immediately.

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

SECTION 1. The following sums or as much thereof as shall severally be found necessary, are hereby appropriated out of any monies in the several funds of the state treasury hereinafter named in payment of the salaries of certain officers and employees of the state, and for the operation and maintenance of, and construction of buildings at, and other expenses for, and various state institutions and officers hereinbelow designated and mentioned, and for the other divers purposes hereinafter expressed, and for the fiscal term beginning April 1st, 1921, and ending March 31st, 1923, and as hereinafter or otherwise particularly specified the amount appropriated for all buildings for state institutions, whether penal, charitable, educational or reformatory to be expended under the direction of the board having control.

Appropriations authorized.

SEC. 2. The captions "Salaries and wages" and "Supplies, Material and Service" include all expenses incidental to the "Operation and Maintenance" of institutions and departments. Also, the term "Supplies, Material and Service" includes Pullman and parlor car fares for state officials and employees traveling on state's business. Ex-

Terms defined.

penditures are of two classes, viz: Outlay (new construction and equipment) and Operation and maintenance (running expense). The first relates to the purchase of property, buildings, land and equipment and the making of new improvements. Whatever creates additional value, i. e., augments the state's assests, is an "Outlay" as herein considered. The term "Operation and Maintenance" is applied to simply operating the machinery of government and keeping it in running order—any transaction which does not produce a betterment or increase over and above the original value belongs under this head.

FROM THE GENERAL FUND.

Governor.	FOR THE GOVERNOR'S OFFICE:		
	Salary of Governor.....	\$12,000 00	
	Salaries and wages.....	27,000 00	
	Supplies, material and service.....	9,000 00	
	Capital outlays .....	1,000 00	
	Purchase and maintenance auto.....	10,000 00	
	Investigation and survey of public lands .....	15,000 00	
	Extradition expenses and examina- tion into infractions of law and rewards .....	20,000 00	
		<hr/>	
	Total for Governor's office.....		\$94,000 00
Governor's mansion.	FOR THE GOVERNOR'S MANSION:		
	Maintenance of every kind, and en- tertainment, to be disbursed on vouchers approved by the Gover- nor .....	\$15,000 00	
	Refurnishings, repairs and improve- ments .....	3,000 00	
		<hr/>	
	Total .....		\$18,000 00
Lieutenant Governor.	FOR THE LIEUTENANT GOVERNOR:		
	Salary of Lieutenant Governor.....	\$2,400 00	
	Hotel bills while attending sessions of legislature and when Acting Governor .....	1,000 00	
		<hr/>	
	Total for Lieutenant Governor.....		\$3,400 00

FOR THE ATTORNEY GENERAL'S OFFICE:		Attorney General.
Salary of Attorney General.....	\$6,000 00	
Salaries and wages .....	55,460 00	
Supplies, material and service.....	21,920 00	
Printing .....	4,000 00	
Capital outlays .....	450 00	
Legal and other expenses in special rate or public utility litigation...	25,000 00	} Vetoed L. F. H.
Total for Attorney General.....	\$112,830 00	
FOR THE STATE AUDITOR'S OFFICE:		Auditor.
Salary of Auditor.....	\$6,000 00	
Salaries and wages.....	34,200 00	
Supplies, material and service.....	7,300 00	
Capital outlays .....	1,000 00	
Total for Auditor's Office.....	\$48,500 00	
FOR THE STATE BOARD OF EQUALIZATION:		Board of equalization.
Not to exceed \$1,000 per year.....	\$2,000 00	
FOR THE STATE BOARD OF FINANCE:		Board of finance.
Salary of Secretary.....	\$4,800 00	
Expenses .....	1,200 00	
Total for State Board of Finance.....	\$6,000 00	
FOR COMMISSIONER OF PUBLIC LANDS:		Commis- sioner of Public Lands.
Salary of Commissioner.....	\$10,000 00	
Salaries and wages.....	132,152 00	
Supplies, material and service.....	57,500 00	
Capital outlays .....	2,610 00	
Special investigations, and collec- tions and surveys.....	16,500 00	
Examination and appraisal of lieu lands .....	7,800 00	
Total for Land Commissioner's office .....	\$226,562 00	
FOR THE SECRETARY OF STATE'S OFFICE:		Secretary of State.
Salary of Secretary.....	\$6,000 00	
Salaries and wages.....	36,800 00	
Supplies, material and service.....	18,000 00	
Capital outlays .....	2,500 00	
Total for Secretary of State's office .....	\$63,300 00	

Printing expert.	FOR THE SECRETARY OF STATE'S OFFICE:		
	Printing expert .....	\$4,200 00	
Treasurer.	FOR THE STATE TREASURER'S OFFICE:		
	Salary of Treasurer.....	\$6,000 00	
	Salaries and wages.....	51,000 00	
	Supplies, material and service.....	10,500 00	
	Capital outlays .....	2,000 00	
	Total from General Fund for State Treasurer's office .....		\$69,500 00
	FROM THE FISHERIES FUND.		
	FOR THE STATE TREASURER'S OFFICE:		
	Salaries and wages.....	\$7,500 00	
	Supplies, material and service.....	1,500 00	
	Total from Fisheries Fund for the State Treasurer's office .....		\$9,000 00
	FROM THE GENERAL FUND.		
	Initiative, Referendum, Recall and Constitutional Amendments .....		\$50,000 00
Supreme Court.	FOR THE SUPREME COURT:		
	Salary of Judges .....	\$114,679 00	
	Salary of clerk.....	6,000 00	
	Salaries and wages.....	25,000 00	
	Supplies, material and service.....	8,635 00	
	Capital outlays .....	2,500 00	
	Total for the Supreme Court.....		\$156,814 00
Supreme Court reporter.	FOR THE SUPREME COURT REPORTER:		
	Salary of reporter.....	\$7,000 00	
	Salaries and wages.....	8,800 00	
	Supplies, material and service.....	5,800 00	
	Total for Supreme Court Reporter.....		\$21,600 00
Law library.	FOR STATE LAW LIBRARIAN:		
	Salary of Librarian.....	\$6,000 00	
	Salaries and wages.....	3,600 00	
	Supplies, material and service.....	2,650 00	
	Capital outlays .....	12,350 00	
	Total for State Law Librarian.....		\$24,600 00

## FOR BAR EXAMINERS:

Salaries and wages .....	\$4,140 00
Supplies, material and service .....	1,860 00

Bar  
examiners.

Total for Bar Examiners..... \$6,000 00

## FOR SUPERIOR COURT JUDGES:

Salary of Judges .....	\$221,136 85
Supplies, material and service .....	7,000 00
Traveling expenses, (deficit term ending March 31, 1921 .....	500 00

Superior  
courts.

Total for Superior Court Judges..... \$228,636 85

## FOR INSURANCE COMMISSIONER:

Salary of Commissioner .....	\$10,000 00
Salaries and wages .....	53,240 00
Supplies, material and service .....	22,800 00
Capital outlays .....	1,250 00
Examination insurance companies..	9,700 00
Investigation of supposed incendiary fires .....	17,500 00

Insurance  
Commis-  
sioner.

Total for Insurance Commis-  
sioner ..... \$114,490 00

## SUPERINTENDENT OF PUBLIC INSTRUCTION:

Salary of Superintendent .....	\$6,000 00
Salary of assistant superintendent...	4,800 00
Salary of deputy superintendent ....	6,000 00
Salary of executive secretary .....	3,600 00
Clerk hire .....	22,600 00
Supplies, material and service .....	32,000 00
Capital outlays .....	1,200 00

Public  
Instruction.

Total Superintendent of Public  
Instruction ..... \$76,200 00

## RURAL SCHOOL EDUCATION:

Salaries and wages .....	\$12,000 00
Supplies, material and service .....	8,700 00

Total Rural School Education..... \$20,700 00

## HIGH SCHOOL DEPARTMENT:

Salaries and wages .....	\$6,000 00
Supplies, material and service .....	4,500 00

Total High School Department..... \$10,500 00

	STATE BOARD OF EDUCATION:		
	Salaries and wages .....	\$860 00	
	Supplies, material and service .....	3,000 00	
		<hr/>	
	Total State Board of Education.....		\$3,860 00
	VOCATIONAL EDUCATION:		
	Salaries, wages and clerk hire .....	\$17,500 00	
	Supplies, material and service .....	8,200 00	
	Capital outlays .....	300 00	
		<hr/>	
	Total Vocational Education .....		\$26,000 00
	Total Superintendent of Public Instruction; all departments .....		\$137,260 00
Traveling library.	FOR THE TRAVELING LIBRARY:		
	Salary of Superintendent .....	\$3,600 00	
	Salaries and wages .....	7,600 00	
	Supplies, material and service .....	4,800 00	
	Capital outlays .....	8,000 00	
		<hr/>	
	Total for the Traveling Library.....		\$24,000 00
Criminal cost bills.	FOR CRIMINAL COST BILLS.....		\$27,000 00
Business control.	FOR THE DEPARTMENT OF BUSINESS CONTROL:		
	Salary of Director .....	\$12,000 00	
	Salaries and wages .....	80,000 00	
	Supplies, material and service .....	25,500 00	
	Capital outlays .....	1,500 00	
		<hr/>	
	Total, Administrative .....		\$119,000 00
Capitol buildings and grounds.	CAPITOL BUILDINGS AND GROUNDS:		
	Salaries and wages .....	\$67,040 00	
	Supplies, material and service .....	63,300 00	
	Capital outlays .....	1,500 00	
		<hr/>	
	Total Capitol Buildings and Grounds .....		\$131,840 00
Revolving fund.	FOR REVOLVING FUNDS—DEPARTMENT OF BUSINESS CONTROL:		
	Purchasing Division (To be account- ed for in full April 30, 1923).....		\$150,000 00
Farm and industrial management.	DIVISION OF FARM AND INDUSTRIAL MANAGEMENT:		
	Industrial and farm work at state in- stitutions. (To be accounted for in full April 30, 1923).....		\$100,000 00

## FROM THE CAPITOL BUILDING CONSTRUCTION FUND.

## DEPARTMENT OF BUSINESS CONTROL:

Business  
control.

Furniture and furnishings (Temple of Justice .....	\$20,000 00	
Furniture and furnishings (Insur- ance building .....	50,000 00	
	<hr/>	
Total furniture and furnishings.....		\$70,000 00

## FOR THE STATE PENITENTIARY:

Penitentiary.

Salaries and wages .....	\$88,000 00	
Supplies, material and service .....	213,490 00	
Repairs and improvements .....	10,000 00	
Capital outlays .....	13,500 00	
	<hr/>	
Total .....		\$324,990 00

## OPERATION OF JUTE MILL:

Salaries and wages .....	\$30,000 00	
Supplies, material and service .....	140,000 00	
	<hr/>	
Total for State Penitentiary.....		\$494,990 00

## STATE SCHOOL FOR BLIND:

School for  
blind.

Salaries and wages .....	\$34,931 00	
Supplies, material and service .....	45,369 00	
Capital outlays .....	13,500 00	
Maintenance .....	5,000 00	
	<hr/>	
Total.....		\$98,800 00

## STATE SCHOOL FOR DEAF:

School for  
deaf.

Salaries and wages .....	\$65,000 00	
Supplies, material and service .....	75,000 00	
Capital outlays .....	5,000 00	
Maintenance .....	5,000 00	
Expenses students to Gallaudet College .....	2,500 00	
	<hr/>	
Total .....		\$152,500 00

## STATE SCHOOL FOR GIRLS:

School for  
girls.

Salaries and wages .....	\$42,048 00	
Supplies, material and service .....	63,072 00	
Maintenance .....	8,000 00	
Capital outlays .....	5,000 00	
	<hr/>	
Total .....		\$118,120 00

Training  
school.

STATE TRAINING SCHOOL:

Salaries and wages .....	\$50,260 00
Supplies, material and service .....	117,275 00
Maintenance .....	8,000 00
Capital outlays .....	14,300 00

Total ..... \$189,835 00

(Training school is to be paid from  
C. E. P. & R. I. fund until ex-  
hausted. Balance from General  
Fund.)

Reforma-  
tory.

WASHINGTON STATE REFORMATORY:

Salaries and wages .....	\$76,650 00
Supplies, material and service .....	178,850 00
Maintenance .....	10,000 00
Capital outlays .....	68,750 00

Total ..... \$334,250 00

Deportation  
of insane.

DEPORTATION OF ALIEN AND NON-RESIDENT INSANE:

Salaries and wages, supplies, mate- rial and service.....	\$25,000 00
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Hospitals  
and insane.

EASTERN STATE HOSPITAL:

Salaries and wages .....	\$197,100 00
Supplies, material and service .....	350,400 00
Maintenance .....	27,000 00
Capital outlays .....	50,000 00

Total ..... \$624,500 00

WESTERN STATE HOSPITAL:

Salaries and wages .....	\$258,420 00
Supplies, material and service .....	387,630 00
Maintenance .....	62,200 00
Capital outlays .....	135,900 00
Foundation stock .....	25,000 00

Total ..... \$869,150 00

Custodial care of U. S. Government  
patients to be repaid by U. S.  
government .....

\$200,000 00

Total Western State Hospital.....\$1,069,150 00

## NORTHERN STATE HOSPITAL:

Salaries and wages .....	\$183,960 00	
Supplies, material and service .....	254,040 00	
Capital outlays .....	179,500 00	
Maintenance .....	20,000 00	
	<hr/>	
Total .....		\$637,500 00

## STATE CUSTODIAL SCHOOL:

Salary of Superintendent .....	\$6,000 00	Custodial school.
Salaries and wages .....	113,000 00	
Supplies, material and service .....	231,000 00	
Maintenance .....	10,000 00	
Capital outlays .....	31,000 00	
	<hr/>	
Total .....		\$391,000 00

## FOR THE SOLDIERS' HOME AND COLONY:

Salary of Superintendent .....	\$3,600 00	Soldiers' home and colony.
Salaries and wages .....	58,275 00	
Supplies, material and service .....	75,625 00	
Maintenance .....	25,000 00	
Capital outlays .....	7,500 00	
	<hr/>	
Total .....		\$170,000 00

## SOLDIERS' HOME COLONY:

Maintenance .....	\$45,360 00	
	<hr/>	
Total for Soldiers' Home and Colony .....		\$215,360 00

## FOR THE WASHINGTON VETERANS' HOME:

Salaries and wages .....	\$77,112 00	Veterans' home.
Supplies, material and service .....	198,288 00	
Maintenance .....	15,000 00	
Capital outlays .....	6,500 00	
	<hr/>	
Total .....		\$296,900 00

## PAROLE DEPARTMENT:

Salaries and wages .....	\$21,960 00	Parole of prisoners.
Supplies, material and service .....	28,500 00	
	<hr/>	
Total, Parole Department.....		\$50,460 00

## TRANSPORTATION DEPARTMENT:

Salaries and wages .....	\$26,640 00	Transportation of convicts, etc.
Supplies, material and service .....	70,000 00	
	<hr/>	
Total Transportation Department.....		\$96,640 00

FOR THE WOMEN'S INDUSTRIAL HOME AND CLINIC:

Vetoed L. F. H.	}	Salaries and wages .....	\$41,000 00
		Supplies, material and service .....	80,000 00
		Maintenance .....	5,000 00

Total Women's Industrial Home and Clinic ..... \$126,000 00

State library. FOR THE STATE LIBRARY:

Salary of Librarian.....	\$3,600 00
Salaries and wages, supplies, material and service .....	7,500 00
Capital outlays .....	2,500 00

Total ..... \$13,600 00

Capitol committee. FOR THE STATE CAPITOL COMMITTEE:

Salaries and wages .....	\$2,995 00
Supplies, material and service .....	2,005 00

Total ..... \$5,000 00

Archives committee. FOR THE STATE ARCHIVES COMMITTEE:

Expenses and expenditures of all kinds .....	\$1,500 00
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CHARITABLE INSTITUTIONS:

Vetoed L. F. H.	}	Pacific Coast Rescue and Protective Society, Everett .....	\$3,000 00
		Children's Home, Tacoma .....	3,000 00
		White Shield Home, Tacoma .....	3,000 00
		Lebanon Home, Ballard .....	3,000 00
		Theodora Home, Seattle .....	3,000 00
		Florence Crittenden Home, Seattle..	3,000 00
		Florence Crittenden Home, Spokane.	3,000 00
		Salvation Army Home, Spokane ....	3,000 00
		Ladies G. A. R., Puyallup .....	3,000 00
		Kitsap County Children's Relief Association .....	3,000 00

Total ..... \$30,000 00

Care Spanish war veterans' graves.	Care of graves, Spanish War veterans .....	180 00
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Total ..... \$30,180 00

Bounties. Bounties on wild animals..... \$35,000 00

Warrant interest. Guaranteed interest on shore land improvement warrants ..... \$24,000 00

Presidential Electors. For Presidential Elector..... \$70 00

## FOR SUPERIOR COURT JUDGES:

Salary of judges (deficiency).....	\$8,636 85
Traveling expenses (deficiency).....	500 00

Superior  
court judges.

Total, Superior Court Judges.....	\$9,136 85
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## STATE BOARD OF LAW EXAMINERS:

(Not to exceed collections)

Law  
examiners.

Expenses of all kinds, including Per Diem (deficiency) .....	\$500 00
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For state aid for tuberculosis hospitals .....	\$175,000 00
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For state aid for tuberculosis hospitals (deficiency) .....	10,500 00
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Total .....	\$185,500 00
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## FOR THE SUPREME COURT:

Salary of Judges. (Deficiency) ....	\$677 39
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Supreme  
court.

## FOR THE STATE HISTORICAL SOCIETY:

Salary of Secretary.....	\$3,600 00
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Salaries and wages, supplies, mate- rial and service .....	8,900 00
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Capital outlays .....	10,740 00
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Total, State Historical.....	\$23,240 00
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Historical  
society.

## FOR TOPOGRAPHIC AND HYDROGRAPHIC SURVEY:

Expenses of all kinds.....	\$35,000 00
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Surveys.

## FOR LOCAL IMPROVEMENT ASSESSMENT:

For local improvements as certified  
by State Auditor:

Gilman's Addition .....	\$162 70
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Claremont Addition .....	35 46
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Pleasant Ridge Div. of Green Lake..	45 88
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State Addition No. 4 .....	637 16
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Seattle Tide Lands .....	13,612 66
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Skagit County 1919 Dike and Ditch..	523 83
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Skagit County 1920 Dike and Ditch..	724 91
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Town of Sultan, District No. 21 ....	112 90
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Ellensburg Normal School .....	964 75
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Cheney Normal School .....	10,440 31
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Bellingham Normal School .....	3,556 94
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Western Washington Experiment Station .....	523 05
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School for the Deaf .....	3,783 56
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For the Children's Orthopedic Hos- pital of Seattle .....	50,000 00
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Local  
improvement  
assessments  
and miscel-  
laneous.} Vetoed  
L. F. H.

## FOR RELIEF OF ALBERT E. PARKER, TRUSTEE:

Refund on Tide Land Contract No. 4867 cancelled, land owned by U. S. Government .....	\$220 71
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## FOR RELIEF OF SEATTLE AND PORTLAND RAILROAD CO.:

Refund duplicate payment for right- of-way No. 110.....	\$94 80
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## FROM THE GENERAL FUND

## Judgments.

## JUDGMENTS:

Estate of Chas. B. Smith vs. State of Washington .....	\$99 18
State of Washington vs. McPherson Bros. Co. ....	13 20
State of Washington vs. Chas. Moneymaker .....	89 78
D. H. King vs. State of Washington.	1,771 08
State of Washington vs. Progressive Motion Picture Co. ....	15 73
Amos Lewis and wife vs. State of Washington .....	22 38
Alma Lister, Executrix, vs. State Auditor .....	19 68
Joe Forstell vs. State of Washington.	854 83
Herman Howe vs. State of Wash- ington .....	40 76
State of Washington vs. D. M. Rado- vich and wife .....	26 86
State of Washington vs. Miro Boich and wife .....	26 86
State of Washington vs. City of Tacoma .....	1,882 87
State of Washington vs. Austin Corbin .....	64 91

## Relief.

## FOR RELIEF OF J. H. BROWN:

Expenses as secretary Public Service Commission	\$264 05
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## FOR RELIEF OF ARTHUR L. HOOPER:

Legal services assisting Attorney General.....	\$500 00
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## FOR RELIEF OF JOE GROTE:

For horses and mules destroyed by order of State Veterinarian .....	\$2,288 25
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## FOR RELIEF OF CITY OF BELLINGHAM:

Local Improvement District 410, North Side Trunk Road. NW $\frac{1}{4}$ of SW $\frac{1}{4}$ , Sec. 16, Twp. 38, R. 3 E., SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec. 16, Twp. 38, R. 3 E.	\$1,513 30
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## FOR RELIEF OF PEND OREILLE COUNTY:

Diking District No. 2, Sec. 36, Twp. 33, Range 43,  
years 1912 to 1920 inclusive..... \$4,922 10

## FOR RELIEF OF FOLLOWING PERSONS:

Who purchased shore lands on deed and contracts  
which were cancelled:

A. E. Estergren, Contract 4376.....	\$145 95
John Victor Holmquist, Contract 4377.....	141 25
Malena Estergren, Contract 4378.....	63 28
John Victor Holmquist, Contract 4383.....	188 90
Carl A. Lareen, Deed.....	73 00
Swan E. Johnson, Deed.....	51 35

## FOR RELIEF OF DR. W. N. KELLER:

For witness fees, Court costs, Attorney fees and  
other expenses Suit of Allen M. Kay vs. W. N.  
Keller damage claim for alleged wrongful de-  
tention in Western State Hospital..... \$2,522 15

## FOR RELIEF, CITY OF SPOKANE:

Local Improvement Districts 788, 64, 679, 14, A 15,  
1, 611, 459, Lots 3 and 6, Block 110, Lots 10, 11,  
and 12, Block 130, Lot 9, Block 46, Lots 9 and  
10, Block 19, Lot 7, Block 72, Lot 2, Block 30,  
Lots 4, 10 and 11, Block 32, Lot 1, Block 58, Lot  
9, Block 103, Lot 7, Block 36, Lot 16, Block 125,  
Lots 4, 7, 11 and 12 Block 52 and Lot 3 Block  
134 ..... \$5,492 16

FOR RELIEF OF J. W. ROMAINE, F. J. WOOD AND ROBERT  
SHIELDS:

For Tide Lands sold by State and later found by  
U. S. Court as belonging to U. S. Government,  
Contracts 4367 and 4373..... \$3,422 69

## FOR RELIEF OF PUGET SOUND POWER &amp; LIGHT COMPANY:

For maintenance side track at Western State Hos-  
pital years 1909 to 1920 inclusive..... \$407 64

## FOR THE RELIEF OF T. D. TILLER:

For doctor and Hospital Bills and loss of one eye  
while engaged in State work..... \$1,050 00

## FOR RELIEF OF W. V. WELLS:

For refund of money paid on State Land and for  
which deed could not be given on account de-  
fective survey. South  $\frac{1}{2}$  of North  $\frac{1}{2}$ , Sec. 16,  
Twp. 9, North R. 6 W..... \$1,242 60

## FOR RELIEF OF SCOBEEY CIGAR Co., INC.:

Refund of duplicate payment Corporation Fees...	\$35 00
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## FOR RELIEF OF TOWN OF PORT ORCHARD:

For delinquent assessments on Tide Land Lots, 3, 4, 5 and 6, Block 1, Wheeler's Second Addition Sidney, and Lot 1, Sec. 25, Twp. 24, North R. 1 E. ....	\$555 69
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## FOR RELIEF OF POLSON REALTY COMPANY:

Refund of overpayment on Tract 10 and part of Tracts 4 and 9, Plat 18, La Conner Tide Lands	\$415 26
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## FOR RELIEF OF BIG BEND LAND COMPANY:

For refund payment, sold by State in Sec. 16, Twp. 25, N. R. 29 E., which State did not own.....	\$25 65
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## FOR THE OFFICE OF DIRECTOR OF TAXATION AND EXAMINATIONS:

## (Division of Municipal Corporations)

Taxation  
and ex-  
amination.  
Municipal  
corporations.

Salaries and wages.....	\$24,000 00	
Supplies, material and service.....	4,250 00	
Capital outlays .....	1,000 00	
Total .....		\$29,250 00

## (Division of Taxation)

Taxation.

Salary of Director.....	\$12,000 00	
Salaries and wages.....	20,800 00	
Supplies, material and service.....	5,000 00	
Capital outlays .....	1,000 00	
Total .....		\$38,800 00

## (Division of Banking)

Banking.

Salaries and wages.....	\$80,400 00	
Supplies, material and service.....	32,200 00	
Capital outlays .....	2,400 00	
Total .....		\$115,000 00

## (Division of Building &amp; Loan)

Building  
and loan.

Salaries and wages, department supervisor, in- spectors, clerk hire, supplies, material and service .....	\$20,000 00
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(The State Auditor may anticipate the receipts  
and issue his warrants to cover expenses not  
to exceed collections for biennium.)

## DIRECTOR OF HEALTH:

Health.

Salary of Director.....	\$10,000 00	
Salaries and wages.....	48,000 00	
Supplies, material and service.....	28,230 00	
Total .....		\$86,230 00

## DIRECTOR OF LABOR AND INDUSTRY:

Labor and  
industry.

Salary of Director.....	\$15,000 00	
Salaries and wages.....	323,225 00	
Supplies, material and service.....	160,927 00	
Capital outlays .....	6,995 00	
Total from General Fund.....		\$506,147 00

## FROM ACCIDENT FUND

Salaries and wages.....	\$141,350 00	Industrial insurance.
Supplies, material and service.....	71,450 00	
Capital outlays .....	2735 00	
Total from Accident Fund.....		\$215,535 00

## FROM MEDICAL AID FUND

Salaries and wages.....	\$87,725 00	Medical aid.
Supplies, material and service.....	40,612 00	
Capital outlays .....	2,060 00	
Total from Medical Aid Fund.....		\$130,397 00

## FROM THE GENERAL FUND

## FOR THE DIRECTOR OF AGRICULTURE:

Agriculture.

(General Office)

Salary of Director.....	\$15,000 00	
Salaries and wages.....	176,800 00	
Supplies, material and service.....	115,000 00	
Capital outlays .....	22,000 00	
Total, General Office.....		\$328,800 00

## FOR DEPARTMENT STATE FAIR:

State fair.

(No part of this appropriation to be used for  
racing purses.)

Salaries and wages, supplies, material and service	\$40,000 00
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## FOR GRAIN DEPARTMENT:

Grain.

(So much thereof as may be necessary, but not  
to exceed collections of department.)

Salary of inspector, deputy inspector, clerks, weighers, samplers, office rent, traveling ex- penses, office supplies, postage and incidentals	\$200,000 00
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Farm  
market.

## FARM MARKET DEPARTMENT:

Salaries and wages, and expenses of every kind.. \$25,000 00

## FOR DESTRUCTION OF PREDATORY ANIMALS:

Predatory  
animals.

FOR DESTRUCTION OF PREDATORY ANIMALS:..... \$17,000 00

Destruction of Grasshoppers, and combating animal diseases ..... \$2,500 00

Indemnity and expenses bovine tuberculosis eradication ..... \$60,000 00

Efficiency.

## FOR THE DIRECTOR OF EFFICIENCY:

Salary of Director..... \$12,000 00

Salaries and wages..... 33,000 00

Supplies, material and service..... 8,000 00

Capital outlays ..... 5,500 00

Total ..... \$58,500 00

Public  
works.

## FOR THE DIRECTOR OF PUBLIC WORKS:

(From the General Fund)

Salary of Director..... \$12,000 00

Salaries and wages..... 156,140 00

Supplies, material and service..... 62,400 00

Capital outlays ..... 3,000 00

Total, from the General Fund..... \$233,540 00

## FOR THE DIRECTOR OF PUBLIC WORKS:

(From the Public Highway Fund)

Salaries and wages..... \$79,800 00

Supplies, material and service..... 49,400 00

Capital outlays ..... 30,000 00

Total, from the Public Highway Fund..... \$159,200 00

## FOR THE DIRECTOR OF PUBLIC WORKS:

(From the Public Service Revolving Fund.)

For salaries, supplies, material and service, and capital outlays ..... \$150,000 00

(So much thereof as may be necessary, but in no case to exceed the collection of this department.)

## FOR DIRECTOR OF LICENSES—MOTOR VEHICLE DIVISION:

Motor  
vehicle  
division.

(From the Motor Vehicle Fund.)  
(For State Treasurer and Director  
of Licenses. To be expended upon  
vouchers approved by either  
officer.)

Salary of Director.....	\$10,000 00	
Salaries and wages.....	71,400 00	
Supplies, material and service.....	165,500 00	
Capital outlays .....	2,500 00	
	<hr/>	
Total .....		\$249,400 00

## FOR DIRECTOR OF LICENSES:

Licenses.

(From the General Fund)

Salaries and wages .....	\$11,400 00	
Traveling expenses and per diem examining committees .....	20,000 00	
	<hr/>	
Total .....		\$31,400 00

## DEPARTMENT OF CONSERVATION AND DEVELOPMENT:

Conservation  
and  
development.

General Office.

Salary of Director of Dep't. 1 year..	\$7,500 00	
Salaries and wages.....	8,400 00	
Capital outlays .....	1,000 00	
	<hr/>	
Total, General Office.....		\$16,900 00

## HYDRAULIC DIVISION:

Hydraulics.

Salaries and wages .....	\$25,000 00	
Supplies, material and service.....	18,000 00	
Capital outlays .....	880 00	
	<hr/>	
Total, Hydraulic Division.....		\$43,880 00

## FORESTRY DIVISION:

Forestry.

Salaries and wages .....	\$19,500 00	
Supplies, material and service.....	107,500 00	
Capital outlays .....	2,500 00	
	<hr/>	
Total, Forestry Division .....		\$129,500 00

Reclamation. RECLAMATION DIVISION:

FROM RECLAMATION REVOLVING FUND

Salary of Director of Department, 1 year .....	\$7,500 00
Salaries and wages .....	54,400 00
Supplies, material and service.....	14,500 00
Capital outlays .....	18,000 00
Special investigations .....	25,000 00
Land settlement purposes .....	300,000 00
For contract and bond purchases....	2,000,000 00
For Columbia River basin survey; to continue work as provided by Chapter 60, Laws 1919.....	50,000 00
<hr/>	
Total, Reclamation Division.....	\$2,469,400 00

FROM THE STATE GAME FUND

Game and  
game fish.

FOR THE DEPARTMENT OF GAME AND GAME FISH:

For the salaries and traveling expenses of the Di- rector of Fisheries and Game, supervisors, deputy state game wardens, and employees; rent and incidentals, construction, repair and maintenance of trout hatcheries, eyeing sta- tions and rearing ponds; maintenance, stock- ing, and new construction at state game farm; purchase of game birds, game animals, game fish, and game bird eggs; printing; and for all other expenses of the Department of Game and Fish .....	\$135,000 00
For the financial assistance of those counties re- quiring the same, for the protection of their game to be determined by the Director of Fish- eries and Game, and the advisory committee of five members of the State Association of Coun- ty Game Commissioners and Game Wardens as provided by statute.....	\$30,000 00

FROM THE FISHERIES FUND

Fisheries.

FOR THE DEPARTMENT OF FISHERIES:

For the salaries of Director of Fisheries and  
Game, supervisors, inspectors and employees;  
traveling expenses of Director of Fisheries and  
Game, supervisors, inspectors and employees;  
rent and incidentals; construction, repairs, and  
maintenance of salmon hatcheries, eyeing sta-  
tions and rearing ponds; construction of new  
hatcheries, eyeing stations and rearing ponds;

patrol service; improvements, replacements, destruction of seals; printing; and for all other and additional expenses of the fisheries division of the office of the Director of Fisheries and Game ..... \$285,285 00

FOR THE STATE FISHERIES BOARD:

For the purpose of classification of food fishes; for the securing of fish or fish eggs; for the erection and maintenance of eyeing stations, fish hatcheries, rearing ponds and other appliances for the propagation of fish within or without the territorial limits of the State of Washington; for the carrying out of contracts and agreements by the State Fisheries Board with the United States or with any state or territory thereof, or with any foreign country or any individual, firm or corporation; for the traveling expenses of the State Fisheries Board and their employees; for the salaries of employees; for rent, printing and for all other additional and necessary expenses of the State Board of Fisheries; said moneys to be expended under the direction of the State Board of Fisheries and to be paid out on vouchers approved by the State Board.  
 Total ..... \$100,000 00

FROM THE FISHERIES FUND

FOR THE RELIEF OF THE FOLLOWING PERSONS FOR THE DESTRUCTION OF SEALS:

Relief.

Charles Seatit .....	\$16 00
Wm. Erickson .....	10 00
Edward Gardlin .....	3 00
F. C. Wilson .....	39 00
William Howell .....	1 00
H. J. Brown .....	94 00
Hans Jensen .....	9 00
W. M. Hunter .....	2,961 00
Oscar Tonneson .....	3 00
William Taylor .....	14 00
Axel G. Anderson .....	21 00
Gottfried Knutson .....	19 60
S. Simmons .....	18 00
William Jack .....	35 00

Oyster  
reserve.

FROM THE OYSTER RESERVE FUND

For the improvement and protection of the State  
Oyster Reserve ..... \$32,300 00  
(Not to exceed collections.)

Harbor  
improve-  
ment.

FROM THE HARBOR IMPROVEMENT FUND

To be distributed in accordance with Chapters  
168, 169 and 170, Laws of 1913 based on re-  
ceipts ..... \$100,000 00

Capitol  
building  
fund bonds.

FROM THE CAPITOL BUILDING FUND

Redemption of Capitol Building Fund Bonds..... \$176,000 00

Aberdeen  
highway  
assessment.

FROM THE PUBLIC HIGHWAY FUND

City of Aberdeen Highway Improvement assess-  
ment ..... \$28,400 00

Olympia.

FROM THE GENERAL FUND

City of Olympia assessment for Local Improve-  
ment Block 28, Lots 3, 4, 5, 6, 7, 8 of block 4  
and the south ½ of block 27..... \$9,618 16

Nautical  
school.

FOR THE STATE NAUTICAL SCHOOL:

Salaries and wages, clerk hire, supplies, material  
and service, and to reimburse Cadets for  
monies paid ..... \$10,000 00

Judgment.

FROM THE PUBLIC HIGHWAY FUNDS

JUDGMENT:

Union Bridge Company vs. State of Washington.. \$10,785 30

Pierce  
county.

PIERCE COUNTY

LOCAL IMPROVEMENTS UNDER DONOHUE LAW AGAINST  
STATE PROPERTY AS FOLLOWS:

NW¼ of NW¼, Sec. 12-19-3E.....	\$424 00
NW¼ of NE¼, Sec. 12-19-3E.....	424 00
SW¼ School Land 36-22-1E; NE¼	
NW¼ SE¼ SE¼ NW¼.....	106 00
SW¼ of SE¼ and W½ SW¼ NW¼	33 03
N½ SE¼ & NE¼ SW¼ Sec. 36-20- 3E; SE¼ NW¼ and E½ SW¼	
NW¼ .....	40 23
N½ NW¼ NW¼ & SW¼ NW¼	
NW¼ Sec. 36-20-3E; NE¼ NW¼	
& W½ NW¼ NE¼ & S½ NE¼	
NW¼ NE¼; SE¼ NW¼ NE¼	
& S½ N½ NE¼ NE¼; S½ NE¼	
NE¼ & S½ NE¼.....	13 71

NW¼ NW¼ NE¼.....	\$5 30
NW¼ NW¼ Sec. 16-19-4E; NE¼ NW¼; NW¼ SE¼ NW¼.....	68 90
Beg. SW Cor. Sec. 29-20 4E th. E. 1613.87 ft. th. N. 909.74 th. SWly 1625 ft. to pt. 709.32 ft. No. of Beg. th. S. to Beg.....	200 70
Beg. 1848.57 ft. E. & 2195.6 ft. N. of SW Cor. Sec. 29-20-4E th. N. 744 ft. th. E. 1063 ft. to Cent. Clarks Creek th. SWly along sd Creek to N. Line Pioneer Ave. th. W. 1122 ft. to Beg. ....	133 80
Beg. 1613-87 ft. E. of SW Cor. Sec. 29-20-4E th. N. 2135 ft. to S. line Pioneer Ave. ext. th. W. on sd Ave. 990 ft. th. S. 823.6 ft. th. E. 283.5 ft. th. S. 1312 ft to Beg.....	267 63
<b>Total</b> .....	<b>\$1,722 30</b>

FROM THE PUBLIC HIGHWAY FUND.

WHITMAN COUNTY—Highway Number 4:

Whitman  
county.

Local improvements under Donohue  
Law against state property, as fol-  
lows:

Part SW¼ 16-17-42.....	\$7 88
E½ 36-17-42.....	408 94
Part NW¼ 16-16-43.....	26 80
Part SW¼ 16-16-43.....	86 67
Interest .....	53 03
<b>Total</b> .....	<b>\$583 32</b>

Highway Number 2:

SW¼ 16-16-44 .....	\$125 00
NW¼ NE¼ 36-16-43 .....	18 84
Part W½ of NW¼ 36-16-43.....	94 10
Interest .....	32 01
<b>Total</b> .....	<b>\$269 95</b>

SKAGIT COUNTY:

Skagit  
county.

District No. 5-A Permanent Highway No. 5 .....	\$1,221 95
District No. 9, Clear Lake Road.....	500 32
District No. 10, Wickersham Road..	4,606 61
<b>Total</b> .....	<b>\$6,328 88</b>

FROM THE RECLAMATION REVOLVING FUND

Local improvement assessments.

LOCAL IMPROVEMENT ASSESSMENTS:

Okanogan County:		
Methow - Okanogan Reclamation District 1920 .....		\$2,282 15
Okanogan County:		
Whitestone Reclamation District 1919 .....		\$621 85
Benton County:		
Priest Rapids Irrigation District 1920 .....		\$2,473 09
Stevens County:		
Fruitland Irrigation District 1920 .....		\$989 74

FROM THE MILITARY FUND.

LOCAL IMPROVEMENT ASSESSMENT:

Yakima Armory Property.....	\$1,718 07
Bellingham Armory Property.....	\$64 38
Everett Armory Property.....	\$2,949 65

University of Washington.

FOR THE UNIVERSITY OF WASHINGTON:

FROM THE UNIVERSITY CURRENT FUND UNTIL EXHAUSTED, BALANCE FROM THE UNIVERSITY OF WASHINGTON FUND.

Operation and Maintenance, including Salaries and Wages, Supplies, Material and Service.....	\$2,234,944 00
Capital Outlays, Instructional Equipment .....	271,100 00
Total .....	\$2,506,044 00

Miscellaneous.

FROM THE GENERAL FUND.

Vetoed L. F. H.

For amount required for reconstructions and repairs of campus service lines and extraordinary reconstructions and repairs of buildings .....	\$90,250 00
For amount required to duplicate fees collected from students for the University of Washington Building Fund during the bien-nium 1919-1921 to be expended for the erection, alteration, maintenance, equipping or furnishing of buildings for the University of Washington .....	\$195,374 00

For amount required to cruise and value the lands of the University of Washington for exchange with the state, to create a demonstration forest, to be expended by the University of Washington in conjunction with the State Land Department (being a reappropriation of an unexpended balance of an appropriation as provided by Chapter 82, Session Laws of 1919) ..... \$6,400 25

Total ..... \$292,024 25

FROM THE UNIVERSITY OF WASHINGTON BUILDING FUND.

University of Washington.

For the erection, alteration, maintenance, equipping, or furnishing of buildings for the University of Washington ..... \$499,757 23

FOR THE STATE COLLEGE OF WASHINGTON:  
FROM THE SCIENTIFIC SCHOOL CURRENT AND AGRICULTURAL COLLEGE CURRENT FUND UNTIL EXHAUSTED, BALANCE FROM STATE COLLEGE FUND.

State college.

Salaries and Wages, Supplies, Material and Service..... \$1,386,444 40  
Capital Outlays ..... 117,750 00

Total ..... \$1,504,194 40  
(\$100,000 to be allotted to Puyallup Experiment Station.)

FROM THE GENERAL FUND.

FOR PROSSER EXPERIMENT STATION:

Salaries and Wages, Supplies, Material and Service ..... \$27,000 00  
Capital Outlays ..... 7,000 00

Total ..... \$34,000 00  
For Apiculture ..... 4,000 00  
For amount to secure Smith-Lever Fund from U. S. Government for Agricultural Extension Work ..... \$116,318 00  
For new boilers, generators, and extension of tunnels ..... \$50,000 00  
For completion and equipment of Dairy Building. \$250,000 00 }  
For farm buildings (to replace those destroyed by cyclone) ..... \$68,000 00

Vetoed  
L. F. H.

## FROM THE CENTRALIA NORMAL SCHOOL FUND.

## CENTRALIA STATE NORMAL SCHOOL:

Vetoed  
L. F. H.

Salaries and Wages.....	\$172,110 00
Supplies, Material and Service.....	33,290 00
Capital Outlays .....	33,200 00

Total .....	\$238,600 00
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Bellingham  
normal.

## BELLINGHAM STATE NORMAL SCHOOL:

\$29,166 FROM NORMAL SCHOOL CURRENT  
FUND UNTIL EXHAUSTED, BALANCE  
FROM BELLINGHAM NORMAL SCHOOL  
FUND.

Operation and Maintenance, includ- ing Salaries and Wages, Supplies, Material and Service.....	\$396,102 00
Capital Outlays .....	120,787 50

Total .....	\$516,889 50
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## FROM THE GENERAL FUND.

## BELLINGHAM STATE NORMAL SCHOOL:

For completion of dormitory (\$87,716.35 being re- appropriation) .....	\$150,000 00
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Ellensburg  
normal.

## ELLENSBURG STATE NORMAL SCHOOL:

\$15,160 FROM THE NORMAL SCHOOL CUR-  
RENT FUND UNTIL EXHAUSTED, BAL-  
ANCE FROM ELLENSBURG NORMAL  
FUND.

Salaries and Wages, Supplies, Ma- terial and Service.....	\$292,068 00
Capital Outlays .....	9,628 00

Total .....	\$301,696 00
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Cheney  
normal.

## CHENEY STATE NORMAL SCHOOL:

OF THE AMOUNT BELOW \$25,277 TO BE PAID  
FROM NORMAL SCHOOL CURRENT FUND  
UNTIL EXHAUSTED, BALANCE FROM  
CHENEY NORMAL FUND.

Salaries and Wages.....	\$280,054 00
Supplies, Material and Service.....	60,000 00
Capital Outlays .....	30,000 00

Total .....	\$370,054 00
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## FROM THE GENERAL FUND.

Completion of dormitory.....	\$22,000 00	} Vetoed L. F. H.
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## FROM THE MILITARY FUND.

## FOR THE STATE MILITARY DEPARTMENT:

Salaries and Wages.....	\$119,790 00	Military department.
Supplies, Material and Service.....	429,135 00	
Capital Outlays .....	151,000 00	
For completion of Everett Armory (unused portion appropriation Chapter 21, Laws 1919)....	\$43,634 75	
For completion Walla Walla Armory (unused portion appropriation Chapter 19, Laws 1919)....	\$73,961 24	
For completion Aberdeen Armory (unused portion appropriation Chapter 20, Laws 1919)...	\$99,949 93	

## RELIEF APPROPRIATIONS:

Capt. Frank E. Burrows for telephone expense...	\$2 35	Relief.
Benton L. Flagg for retained pay.....	9 00	
Chas. James, M. D., for medical services.....	19 50	
P. Kiediel & Company, for supplies furnished.....	13 65	
Warren H. Miller & Co., for plans and service for remodeling Seattle Armory.....	1,428 00	
Northern Pacific Railway Co. for subsistence furnished troops .....	5 25	
Puget Sound Electric Ry. Co., for freight charges.	6 65	
C. A. Slatten for team hire.....	95 00	
Frank Waterhouse & Company for repairs to state property .....	31 75	
Leroy Oliver West for pay for guard duty.....	8 00	
Spokane Falls Gas Light Co. for gas furnished...	94 32	
Alfred T. Abelson expense paid on account of injury sustained while in line of duty.....	487 40	
Ira R. Crosby expense account of injury sustained while in line of duty.....	400 00	
Capt. R. H. Fleet for rent of property.....	200 00	

## FROM THE PERMANENT HIGHWAY FUND.

## FOR THE RELIEF OF KAISER PAVING COMPANY:

Account Highways Nos. 11-B and 11-C King County (From that part apportioned to King County.)	\$2,025 21
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## FROM THE GENERAL FUND.

FOR INDEXING HOUSE AND SENATE JOURNALS.....	\$600 00	Miscellaneous.
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## FOR STATE SCHOOL FOR THE DEAF:

For Hospital Building and equipping same.....	\$45,000 00
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## LOCAL IMPROVEMENT ASSESSMENT:

City of Olympia. Local Improvement Districts 75, 126, 221 .....	\$548 24
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	FOR RELIEF OF FRANK BARTHOLET, EXECUTOR:		
	For overpayment Inheritance Tax.....		\$100 00
Vetoed L. F. H.	{	FOR THE WESTERN ROYAL LIVE STOCK SHOW.....	\$20,000 00
		FOR RELIEF OF OREGON-WASHINGTON RY. Co.:	
		Refund Certificates 201, 203, 211, for right of way .	\$1,686 01
	FROM THE ACCIDENT FUND.		
Industrial insurance.		FOR THE DIRECTOR OF LABOR AND INDUSTRIES.....	\$4,000,000 00
	FROM THE MEDICAL AID FUND.		
Medical aid.		FOR THE DIRECTOR OF LABOR AND INDUSTRIES.....	\$1,000,000 00
	FROM THE ACCIDENT FUND.		
Miscella- neous.	FOR RELIEF OF HILDA RASI:		
	{	Loss of four fingers while in employ of Howard Mnfg. Co. ....	\$800 00
Vetoed L. F. H.			
	FROM THE MILITARY FUND.		
	FOR RELIEF OF WILLIAM H. NELSON:		
		Service on Mexican Border.....	\$297 50
	FROM THE MILITARY FUND.		
	FOR THE RELIEF OF FRANK L. MARSHALL:		
		Services on Mexican Border.....	\$297 50
	FOR THE RELIEF OF FRANCIS E. DELMORE:		
		Services on Mexican Border.....	\$297 50
	FROM THE GENERAL FUND.		
Vetoed L. F. H.	{	FOR THE PACIFIC-NORTHWEST TOURIST ASSOCIATION....	\$50,000 00

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 institution, and shall take effect immediately.

Passed the House March 7, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor, with the exception of certain items which are vetoed, March 21, 1921.

## CHAPTER 156.

[H. B. 187.]

## MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks and amending chapter 175 of the Session Laws of 1915 (as amended by chapter 200 of the Session Laws of 1919) by repealing section 11 and enacting in lieu thereof eighteen sections, to be designated sections 11, 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, 11k, 11l, 11m, 11n, 11o, 11p and 11q, and by amending sections 17, 18 and 25, and by adding a new section to be designated section 48a.

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

SECTION 1. That section 11 of chapter 175 of the Session Laws of 1915 as amended by section 1 of chapter 200 of the Session Laws of 1919, be and the same is hereby repealed, and that in lieu thereof the following eighteen sections numbered 11, 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, 11k, 11l, 11m, 11n, 11o, 11p and 11q be and they are hereby enacted.

Section 11. A mutual savings bank may invest the moneys deposited therein, the sums credited to the guaranty fund thereof and the income derived therefrom in the property and securities, and no others, and subject to the restrictions, specified in the following sections numbered 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, 11k, 11l, 11m, 11o, 11p and 11q.

Investment  
of moneys.

Section 11a. The bonds or interest bearing notes or obligations of the United States or those for which the faith of the United States is pledged to provide for the payment of the interest and principal, including bonds of the District of Columbia.

Section 11b. The bonds or interest bearing obligations of this state issued pursuant to the authority of any law of this state.

Section 11c. The bonds or interest bearing obligations of any other state of the United States upon which there is no default, and upon which there has been no default for more than ninety days: *Provided*, That within ten years immediately preceding the investment such state has not been in default for more than ninety days in the payment of any part of the principal or interest of any debt duly authorized by the Legislature of such state to be contracted by such state since January 1st, 1878.

Section 11d. The valid bonds of any city, town, county, school district or port district in the State of Washington issued pursuant to law, and for the payment of which the faith and credit of such municipality, county or district is pledged, or valid warrants of such municipality, county or district drawing interest, and for which payment such municipality, county or district is liable.

Section 11e. The bonds of any incorporated city, county, village or town, situated in one of the states of the United States which adjoins the State of Washington. If at any time the indebtedness of any such city, town or village, together with the indebtedness of any district or other municipal corporation or subdivision, except a county, which is wholly or in part included within the boundaries or limits of said city, town or village less its water debt and sinking fund, or the indebtedness of any such county, less its sinking fund shall exceed seven per centum of the valuation of said city, county, town or village for the purposes of taxation, its bonds shall thereafter, until such indebtedness shall be reduced to seven per centum of the valuation for the purposes of taxation, cease to be an authorized investment for the monies of savings banks.

Section 11f. Bonds of any incorporated city situated in any other state of the United States: *Provided*, Such city has a population as shown by the Federal census next preceding the investment, of not less than 45,000 inhabitants, and was incorporated as a city at least twenty-five years prior to the making of the investment, and has not since January 1st, 1907, defaulted for more than ninety days in the payment of any part of principal or interest of any bond, note or other indebtedness, or effected any compromise of any kind with the holders thereof. If at any time the indebtedness of any such city, together with the indebtedness of any district (other than local improvement district) or other municipal corporation or sub-division, except a county, which is wholly or in part included within the bounds or limits of said city, less its water debt and sinking fund, shall exceed seven per centum of the valuation of such city for purposes of taxation, its bonds shall thereafter, and until such indebtedness shall be reduced to seven per centum of such valuation, cease to be an authorized investment of the monies of mutual savings banks.

Section 11g. Bonds of any commercial waterway district in this state: *Provided*, The total obligations of such district by bonds, warrants or otherwise do not exceed ten per cent. of the assessed valuation of the lands and improvements within such districts: *And provided further*, That this authorization does not extend to the thirty per cent. in amount of such bond issue last callable for payment.

Section 11h. Bonds of any local improvement district of any city or town of this state (except bonds for an improvement consisting of grading only) and bonds of any irrigation, diking, drainage, diking improvement or drainage improvement dis-

trict of this state, unless the total indebtedness of the district after the completion of the improvement for which the bonds are issued, plus the amount of all other assessments of a local or special nature against the land assessed or liable to be assessed to pay the bonds, exceed fifty per cent. of the value of the benefited property, exclusive of improvements, at the time the bonds are purchased or taken by the bank, according to the actual valuation last placed upon the property for general taxation. Before any such bonds are purchased or taken as security the condition of the district's affairs shall be ascertained and the property of the district examined and appraised by at least two trustees who shall report in writing their findings and recommendations; and no bonds shall be taken unless such report be favorable, nor unless the executive committee of the board of trustees after careful investigation is satisfied of the validity of the bonds and of the validity and sufficiency of the assessment or other means provided for payment thereof: *Provided*, That no city or town local improvement bonds falling within the twenty-five per cent. in amount of any issue last callable for payment, shall be acquired or taken as security.

Section 11i. The mortgage bonds of any railroad corporation incorporated under the laws of the United States or any of the states thereof which actually owns in fee not less than five hundred miles of standard gauge railway, exclusive of sidings, within the United States: *Provided*, That at no time within five years next preceding the date of any such investment such railroad corporation shall have failed regularly and punctually to pay the matured principal and interest of all its mortgaged indebtedness, and in addition thereto regularly and punctually to have paid in dividends to its stockholders during each of said five years, an amount

at least equal to four per centum upon all its outstanding capital stock: *And provided further*, That during said five years the gross earnings in each year from the operation of said company, including therein the gross earnings of all railroads leased and operated or controlled and operated by said company, and also including in said earnings the amount received directly or indirectly by said company from the sale of coal from mines owned or controlled by it, shall not have been less in amount than five times the amount necessary to pay the interest payable during that year upon its entire outstanding indebtedness, and the rentals for said year of all leased lines: *And provided further*, That all bonds authorized for investment by this paragraph shall be secured by a mortgage which is at the time of making such investment, or was at the date of the execution of said mortgage (one) a first mortgage upon not less than seventy-five per centum of the railway owned in fee by the company issuing such bonds, exclusive of sidings at the date of such mortgage, or (two) a refunding mortgage issued to retire all prior lien mortgage debts of such company outstanding at the time of such investment and covering at least seventy-five per centum of the railway owned in fee by such company at the date of such mortgage. But no one of the bonds so secured shall be a legal investment in case the mortgage securing the same shall authorize a total issue of bonds which, together with all outstanding prior debts of such company, after deducting therefrom in case of a refunding mortgage the bonds reserved under the provisions of such mortgage to retire prior debts at maturity, shall exceed three times the outstanding capital stock of such company at the time of making such investment. And no mortgage is to be regarded as a refunding mortgage under the provisions of this section unless the bonds

which it secures mature at a later date than any bond which it is given to refund, nor unless it covers a mileage at least twenty-five per centum greater than is covered by any one of the prior mortgages so to be refunded.

Section 11j. Any railway mortgage bonds which would be a legal investment under the provisions of section 11i, except for the fact that the railroad corporation issuing such bonds actually owns in fee less than five hundred miles of road: *Provided*, That during five years next preceding the date of any such investment the gross earnings in each year from the operations of said corporation, including the gross earnings of all lines leased and operated or controlled and operated by it, shall not have been less than ten hundred thousand dollars (\$1,000,000.00).

Section 11k. The mortgage bonds of a railroad corporation described in the foregoing sections 11i and 11j or the mortgage bonds of a railroad owned by such corporation assumed or guaranteed by it by endorsement on such bonds, provided such bonds are prior to and are to be refunded by a general mortgage of such corporation, the bonds secured by which are made a legal investment under the provisions of said sections 11i and 11j: *And provided further*, That said general mortgage covers all the real property upon which the mortgage securing such underlying bonds is a lien. Bonds which have been or shall become legal investments for mutual savings banks under any of the provisions of this and the two preceding sections shall not be rendered illegal as investments though the property upon which they are secured has been or shall be conveyed to another corporation, if the consolidated or purchasing corporation shall assume the payment of such bonds, and shall continue to pay regularly interest or dividends or both upon the securi-

ties issued against, or in exchange for or to acquire the stock of the company consolidated to an amount at least equal to four per centum per annum upon the capital stock (outstanding at the time of such consolidation or purchase) of the corporation which has issued or assumed such bonds. Not more than twenty-five per centum of the assets of any savings banks shall be loaned or invested in railroad bonds, and not more than five per cent. of the assets of any savings bank shall be invested in the bonds of any one railroad corporation. In determining the amount of the assets of any savings bank under the provisions of this section its securities shall be estimated in the manner prescribed by section 26 of this act. Street railroad corporations shall not be considered railroad corporations within the meaning of this act.

Section 11l. Promissory notes payable to the order of the savings bank upon demand, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by a savings bank, or secured by pledge or assignment of one or more real estate mortgages of the class described in section 11n, but no such loan shall exceed ninety per centum of the cash market value of such securities so pledged. Should any of the securities so held in pledge depreciate in value after the making of such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety per cent. of the market value of the securities so pledged for such loan.

Section 11m. Promissory notes made payable to the order of the savings bank within ninety days from the date thereof, secured by the pledge and assignment of the passbook of any mutual savings bank in the State of Washington as collateral se-

curity for the payment thereof. No such loan shall exceed ninety per centum of the balance due the holder of such passbook as shown therein.

Section 11n. Loans secured by first mortgage on real estate subject to the following restrictions: In all cases of loans upon real property, a note or bond secured by a mortgage on the real estate upon which the loan is made, together with a complete abstract of title for such real estate signed by the person or corporation furnishing such abstract of title (which abstract shall be examined by a competent attorney at law selected by the bank, and his opinion furnished approving the title and showing that the mortgage is a first lien), or a policy of title insurance of a reliable title insurance company authorized to insure titles within this state, or a duplicate certificate of ownership issued by a registrar of titles, shall be furnished to the savings bank by the borrower. The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof, or reasonable annual rental value thereof in the condition existing at the time of making the loan, is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance, and all accruing charges and expenses. No loan on real estate shall be for an amount greater than fifty per cent. of the value of such real estate including improvements. The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be payable in case of loss to the savings bank, and to be deposited with it. A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such pro-

ceeds will be used for that purpose and that when so used the property will be improved to the extent required by this section. Not more than seventy-five per cent. of the assets of any savings bank shall be invested in mortgage loans. No mortgage loan or renewal or extension thereof shall be made except upon written application showing the date, name of applicant, amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged and recommending the loan, and the application and written report thereon shall be filed and preserved with the savings bank records. Every mortgage and every assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgage property is located.

Section 11o. Real estate as follows:

(1) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use a revenue may be derived. The investment in such tract of land to be subject to the conditions prescribed in section 12 of this act.

(2) Such as shall be conveyed to such savings bank in satisfaction of debts previously contracted in the course of its business.

(3) Such as it shall purchase at sales under judgments, decrees or mortgages held by it.

Section 11p. Acceptances of the kind and character following:

(1) Bankers' acceptances and bills of exchange of the kind and maturities made eligible by law for rediscount with Federal reserve banks, provided

the same are accepted by a bank or trust company incorporated under the laws of this state, or under the laws of the United States.

(2) Bills of exchange drawn by the seller on the purchaser of goods and accepted by such purchaser, of the kind and maturities made eligible by law for rediscount with Federal reserve banks, provided the same are indorsed by a national bank or by a bank or trust company incorporated under the laws of this state. Not more than 20 per cent. of the assets of any mutual savings bank shall be invested in such acceptances. The aggregate amount of the liability of any bank or trust company or of any national bank to any mutual savings bank, whether as principal or indorser, for acceptances held by such savings banks and deposits made with it, shall not exceed 25 per cent. of the paid up capital and surplus of such bank or trust company or national bank, and not more than 5 per centum of the aggregate amount credited to the depositors of any mutual savings bank shall be invested in the acceptance of or deposited with a bank or trust company or a national bank of which a trustee of such mutual savings bank is a director.

Section 11q. In equipment obligations or equipment trust certificates which comply with the following requirements.

(a) They must mature not later than fifteen years from their date.

(b) They must be issued or guaranteed by a corporation to which a loan or loans for the construction, acquisition, purchase or least of equipment have been made or approved by the Interstate Commerce Commission, under authority conferred by act of Congress of the United States of America.

(c) They must be the whole or part of any issue maturing serially, annually, or semi-annually.

(d) They must be secured by or be evidence of a prior or preferred lien upon or interest in, or of reservation of title to the equipment in respect of which they have been issued or sold, and or by an assignment of or prior interest in the rent or purchase notes given for the hiring or purchase of such equipment.

(e) The total amount of principal of such issue of equipment obligations or trust certificates shall not exceed sixty per centum of the cost or purchase price of the equipment in respect of which they were issued:

(f) The remaining forty per centum of said cost or purchase price shall be paid by or for the account of the railroad so constructing, acquiring, purchasing or leasing said equipment, or by funds loaned or advanced for the purpose by the Government of the United States or one of its agencies or instrumentalities and subordinated in the event of default, in respect of the lien or interest thereof, upon or in such equipment and or in such equipment or rent or purchase notes, to the lien or interest of said prior or preferred equipment obligations or equipment trust certificate.

Not more than twenty-five per centum of the assets of any savings bank, less the amount invested by said bank in railroad bonds, shall be invested in said equipment obligations or certificates. In determining the amount of the assets of any savings bank under the provisions of this section the value of its securities shall be estimated in the manner prescribed for determining the per centum of par value surplus by section twenty-six of this act.

SEC. 2. That section 17 of chapter 175 of the Session Laws of 1915, as amended by chapter 200 of the Session Laws of 1919, be amended to read as follows:

Limit on individual deposits.

Section 17. (1) When the aggregate amount of deposits and dividends to the credit of any individual, including in such aggregate all deposits and dividends credited to him as trustee or beneficiary of any trust and all deposits and dividends credited to him and another or others in either joint or several form, is five thousand dollars (\$5,000.00) or more, such aggregate shall not be increased by the receipt from him of any deposit but may be increased to not more than ten thousand dollars (\$10,000.00) by the crediting of dividends. Additional accounts may, however, be maintained in the name of a parent as trustee for a dependent or minor child, and in the name of a child as trustee for a dependent parent, but not more than five hundred dollars (\$500.00) shall be deposited to any such additional account during any six month period.

(2) When the aggregate amount of deposits and dividends to the credit of any society or corporation is five thousand dollars (\$5,000.00) or more, such aggregate shall not be increased by the receipt of any deposit not made pursuant to order of a court of competent jurisdiction, but may be increased to not more than ten thousand dollars (\$10,000.00) by the crediting of dividends.

(3) 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.

SEC. 3. That section 18 of chapter 175 of the Session Laws of 1915 be amended to read as follows:

Payment of deposits and dividends.

Section 18. The sums deposited with any such bank, together with any dividends credited thereto, shall be repaid to the depositors thereof respectively,

or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this and the next following section. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be printed in the pass books or other evidence of deposit furnished by it, and shall be evidence between such bank and the depositors holding the same of the terms upon which the deposits therein acknowledged are made.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: *Provided*, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in sub-division (3) of this section the savings bank shall not pay any dividend, or deposit, or portion thereof, or any cheque drawn upon it by a depositor unless the pass book of the depositor be produced, and the proper entry be made therein at the time of the payment.

(3) The board of trustees of any such bank may by its by-laws provide for making payments in cases of loss of pass book, or other exceptional cases where the passbooks cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the State Examiner upon his being satisfied that such right is being improperly exercised

by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) If any person shall die leaving in any such bank an account on which the balance due him shall not exceed \$500.00 and no executor or administrator of his estate shall be appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director or other creditor who may appear to be entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment shall have been made within six months after the decedent's death, and an action to recover the amount shall have been commenced within six months after the date of payment.

SEC. 4. That section 25 of chapter 175 of the Session Laws of 1915 as amended by Chapter 200 of the Session Laws of 1919, be amended to read as follows:

Rate of  
dividends.

Section 25. (1) Every savings bank shall regulate the rate of dividends not to exceed six per cent. per annum upon the amounts to the credit of depositors therewith, in such manner that depositors shall receive as nearly as may be all the earnings of the savings bank after transferring the amount required by section 24 hereof and such further amounts as its trustees may deem it expedient and for the security of the depositors to transfer to the guaranty fund, which to the amount of ten per cent. of the amount due its depositors the trustees

shall gradually accumulate and hold. Such trustees may also deduct from its net earnings, and carry as undivided profits for the purpose of maintaining its rate of dividends, such additional sums as they may deem wise.

(2) Every savings bank may classify its depositors according to the character, amount or duration of their dealings with the savings bank, and may regulate the dividends in such manner that each depositor shall receive the same ratable portion of dividends as all others of his class.

(3) Unimpaired contributions to the initial guaranty fund and to the expense fund, made by the incorporators or trustees of such savings bank, shall be entitled to have dividends apportioned thereon, which may be credited and paid to such incorporators or trustees. Whenever the guaranty fund of any such savings bank is sufficiently large to permit the return of such contributions, the contributors may receive dividends thereon not theretofore credited or paid at the same rate paid to depositors.

(4) A savings bank shall not

(a) Declare, credit or pay any dividend except as authorized by a vote of a majority of the board of trustees duly entered upon their minutes, whereon shall be recorded the ayes and naves upon each vote.

(b) Pay any dividend other than the regular quarterly or semi-annual dividend, or the extra dividend prescribed in subdivision six of this section.

(c) Declare, credit or pay dividends on any amount to the credit of a depositor for a longer period than the same has been credited: *Provided, however,* That deposits made not later than the tenth business day of the month commencing any semi-annual or quarterly dividend period, or the fifth business day of any month, or withdrawn upon

one of the last three business days of the month ending any quarterly or semi-annual dividend period, may have dividends declared upon them for the whole of the period or month when they were so deposited or withdrawn: *And provided further,* That, if the by-laws so provide, accounts closed between dividend periods may be credited with dividends at the rate of the last dividend, computing from the first dividend period to the date when closed.

(5) Whenever any dividend shall, except as provided in sub-division six of this section, be declared and credited in excess of profits earned and appearing to the credit of the savings bank since the last declaration of dividends, after making the deduction for expenses, for amortization and for the guaranty fund as provided in sections 16, 24 and 25 hereof, the trustees voting for such dividend shall be jointly and severally liable to such savings bank for the amount of such excess so declared and credited.

(6) The trustees of any savings bank whose undivided profits and guaranty fund, determined in the manner prescribed in section 23 hereof, amount to more than twenty-five per cent. of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five per cent. as an extra dividend to depositors in excess of the regular dividend authorized. A notice posted conspicuously in a savings bank of a change in the rate of dividends shall be equivalent to a personal notice.

Passed the House February 23, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 157.

[S. H. B. 166.]

## DRAINAGE AND DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to drainage and diking improvement districts, prescribing certain procedure to be had in case of a proposed or existing diking or drainage improvement district, lying in more than one county, and validating proceedings heretofore had in accordance with such procedure; providing for appeals to the court from the confirmation of the schedule of apportionment and levy of assessments in diking and drainage improvement districts, providing for the reimbursement to the county by the districts for judgments against such county on account of such districts, and amending Sections 1945-76, 1945-77a, 1945-94 Pierce's Code, 4226-20, 4226-22, and 4226-38 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. The decision of the Board of County Commissioners upon any objections made within the time and in the manner prescribed in Section 1945-85 Pierce's Code, 4226-30, Remington & Ballinger's Code, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the clerk of such board and with the clerk of the superior court of the county in which such drainage or diking improvement district is situated, or in case of joint drainage or diking improvement districts with the clerk of the court of the county in which the greater length of such drainage or diking improvement system lies, within ten days after the order confirming such assessment roll shall have become effective, and such notice shall describe the property and set forth the objections of such appellant to such assessment; and, within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file

Appeal from  
decision of  
apportion-  
ment  
by county  
commis-  
sioners.

with the clerk of said court a transcript consisting of the assessment roll and his objections thereto, together with the order confirming such assessment roll, and the record of the Board of County Commissioners with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such clerk of the Board of County Commissioners, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court, the appellant shall execute and file with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with good and sufficient surety, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the county or the drainage or diking improvement district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require; within three days after such transcript is filed in the superior court as aforesaid, the appellant shall give written notice to the prosecuting attorney of the county, and to the clerk of the Board of County Commissioners that such transcript is filed. Said notice shall state a time (not less than three days from the service thereof) when the appellant will call up the said cause for hearing; and the superior court of said county shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury. The judgment of the court shall confirm, correct, modify or annul

the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court from the judgment of the superior court as in other cases: *Provided, however,* That such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court; and the record and opening brief of the appellant in said cause shall be filed in the supreme court within sixty days after the appeal shall have been taken by notice as provided in this act. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. And the supreme court, on such appeal, may correct, change, modify, confirm or annul the assessment in so far as the same affects the property of the appellant. A certified copy of the order of the supreme court upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

SEC. 2. Whenever any schedule of apportionment of any drainage or diking improvement district shall have been confirmed, and the assessment therefor shall have been levied, by the Board of County Commissioners, as provided by section 1945-85 Pierce's Code, 4226-30, Remington & Ballinger's Code, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the Board of County Commissioners upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner

Regularity  
and validity  
of  
proceedings  
conclusive.

be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in section 1945-85 Pierce's Code, 4226-30, Remington & Ballinger's Code, and not appealing from the action of the Board of County Commissioners in confirming such assessment roll in the manner and within the time in this act provided. No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

1. That the property about to be sold does not appear upon the assessment roll, or
2. that said assessment has been paid.

SEC. 3. Any judgment that heretofore has been obtained or that hereafter may be obtained against a county on account of any contract lawfully made by its officials for or on behalf of any drainage or diking improvement district, or on account of the construction or maintenance of any drainage or diking system of a drainage or diking improvement district shall be collected and reimbursed to the county from said improvement district, and the amount of such judgment shall be included in the construction costs of said district: *Provided*, That if such judgment be recovered after the assessment to pay the construction costs shall have been levied, then the County Commissioners are hereby empowered and they shall make a supplemental levy upon the lands of the district, and from the funds collected under such levy, said reimbursements shall be made.

District  
liable for  
judgments  
against  
county.

SEC. 4. That section 1945-76 Pierce's Code, 4226-20 of Remington & Ballinger's Code be amended to read as follows:

Section 4226-20. At the election provided for in the preceding section, two qualified electors of the county owning land in the district shall be elected, who, with the county engineer, shall constitute the first board of supervisors of said district. The board of supervisors shall have charge of the construction and maintenance of the systems of improvement of the district, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance, who may be one of the two elected supervisors. The elected supervisors may themselves labor or be employed upon the work of construction or maintenance, receiving for such labor the same compensation as other labor of like character shall receive. The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he be a salaried officer such compensation shall be a charge against the district in favor of the engineer's office. The supervisor receiving the highest number of votes shall hold office until one year after the first annual election of the district and until his successor is elected and qualified, and the other supervisor shall hold office until his successor is elected at the first annual election and shall have qualified. The terms of the supervisors elected at the first election in any drainage or diking improvement district shall begin immediately upon the qualification of such officials. The terms of the supervisors elected at the annual election in such districts shall begin on the second Tuesday of January following their election; if any such official shall have failed to qualify by the 1st of February following his election his title to said office

Board of  
supervisors,  
election,  
powers and  
duties.

shall lapse and be forfeited and his place be subject to be filled by appointment by the county commissioners as hereinafter provided. Each elected supervisor shall qualify by taking the usual oath of office of county and precinct officers and by giving a bond in an amount to be fixed and with surety to be approved by the board of county commissioners. The cost of furnishing such bond shall constitute a part of the cost of maintenance of such district. On the second Tuesday of December in the year following the election hereinabove provided for and annually thereafter, there shall be elected one supervisor of such district, who shall hold office for the term of two years and until his successor is elected and qualified. Such annual election shall be held upon the same notice and under the same regulations and in the same manner as the first election hereinabove provided for: *Provided*, That in any districts established under this act, or heretofore established under chapter LXVI of the Laws of 1901, not including any city or town and not more than two thousand acres in extent including all additions thereto, notice of annual elections of supervisors shall be given by posting only. In case a vacancy occur in said board from any cause, such vacancy shall be filled by appointment by the board of county commissioners of some qualified elector owning land in the district.

Whenever any district organized under the provisions of this act contains not more than five hundred acres, or whenever a petition shall be presented to the county commissioners signed by the owners of fifty per cent of the acreage of such district praying for such action, the county engineer shall act as supervisor of the district and thereafter no board of supervisors shall be elected for such district; and in such case the allowance of all claims against the district shall be by the county commissioners.

SEC. 5. That section 1945-77a Pierce's Code, 4226-22 of Remington & Ballinger's Code be amended to read as follows:

Section 4226-22. The said board of supervisors shall, immediately upon their election and qualification, begin the construction of such system of improvement and shall proceed with the construction thereof in accordance with the plans adopted therefor. In the construction of any system of drainage, construction shall be begun at the outlet or outlets thereof and at such other points as may be deemed advisable from time to time. In the construction of any system of improvement the board of supervisors with the approval of the board of county commissioners may modify, curtail, enlarge or add to the original plans wherever the same may be found necessary or advisable in the course of actual construction. But such changes shall not in the aggregate increase the estimated cost of the entire system by more than one-fifth, and all additional or different rights of way required shall be obtained as hereinbefore prescribed. The board of county commissioners may in its discretion let the construction of said system or any portion thereof by contract, in the manner provided for letting contracts for the construction of county roads and bridges. The board of county commissioners may, upon such terms as may be agreed upon by the United States acting in pursuance of the National Reclamation Act approved June 17, 1902 (32 Statutes at Large 388), and the acts amendatory thereof and supplemental thereto, or in pursuance to any other act of Congress appropriate to the purpose, contract for the construction of the system of improvement or any part thereof, by the United States, or in co-operation with the United States therein. In such case, no bond shall be required, and the work shall be done under

Board to  
make  
improvement.

the supervision and control of the proper officers of the United States.

Unless the work of construction is let by contract as hereinbefore provided, or for such part of such work as is not covered by contract, the board of supervisors shall employ such number of men as shall be necessary to successfully carry on the work of such construction, and shall give preference in such employment to persons owning land to be benefited by the improvement.

The provisions of this section shall not be construed as denying to the supervisors, in case the construction work is left in their hands, the power to enter into an agreement with any contractor to furnish labor, material, equipment and skilled supervision, the contractor to be compensated upon the basis of a specific sum, or upon a percentage of the cost of the work, the services of the contractor to cover the use of equipment and the value of skilled supervision: *Provided, however,* That there is retained in the said board by the contract the right of termination thereof at any time, on reasonable notice, and fixing in the said contract, or reserving in said board, the right to fix the rates of wages to be paid to the men employed in said work. The board of supervisors may also let contracts in such manner and on such notice as they deem advisable for items of construction not exceeding one thousand dollars in amount of expenditures.

SEC. 6. That section 1945-94 of Pierce's Code, 4226-38, of Remington & Ballinger's Code be amended to read as follows:

Section 4226-38. When a drainage or diking system is proposed which will require a location, or the assessment of lands, in more than one county, application therefor shall be made to the board of county commissioners in each of said counties, and the county engineers shall make preliminary reports for

District in  
two or more  
counties.

their respective counties. The lines of such proposed improvement shall be examined by the county engineers of the counties wherein said improvements will lie, jointly. The hearings in regard to such improvement, provided for by sections 1945-65 and 1945-85 Pierce's Code, 4226-9 and 4226-30 of Rem. & Bal. Code shall be had by the boards of county commissioners of the two counties in joint sessions, and all other matters required to be done by the county commissioners in regard to such improvement and the improvement district shall be had and done by the boards of county commissioners of the counties wherein such system of improvements shall lie, either in joint session at such place as the said boards shall order, or by concurrent order entered into by the said boards at their respective offices. Notice of the hearings shall be given by the auditors of both counties jointly by publication in the official paper of each of said counties. The county engineer of the county wherein the greatest length of the drainage or diking system will lie, shall have charge of the engineering work and be ex-officio a member of the boards in this act provided for.

The schedule of apportionment shall be prepared in separate parts for the land in the respective counties; and that part of said roll containing the assessments upon the lands in each respective county shall be transmitted to the treasurer thereof, and the treasurer of said county shall give notice of said assessments as provided in section 1945-85 Pierce's Code, 4226-30 of Rem. & Bal. Code, and shall collect the assessments therein contained and shall also extend and collect the annual maintenance levies of said district upon the lands of said district lying in his county. The auditor of the county in which the greater length of the drainage or diking system shall lie shall act as clerk of the joint sessions of the boards of county commissioners, and shall issue the

warrants of the improvement district, and shall attest the signatures of the two boards of county commissioners on the bonds. He shall furnish to the auditor of the other county duplicate copies of the records of proceedings of such joint sessions. Duplicate records of all proceedings had and papers filed in connection with such improvement shall be kept, one with the auditor of each county. Protests or other papers filed with the auditor who is not clerk of the joint sessions shall be forwarded forthwith by him to the auditor who acts as clerk of such joint sessions. The treasurer of the said county shall register and certify and pay the warrants and the bonds, and shall have charge of the funds of the district; and to him, the treasurer of the county in which the lesser portion of such system of improvements lie, shall remit semi-annually, in time for the semi-annual warrant and bond calls, all such collections made in such other county. A drainage or diking improvement district lying in more than one county shall be designated "Joint Drainage (or Diking) Improvement District No. . . . . of . . . . . and . . . . . Counties." All proceedings in regard to joint drainage or diking improvement districts, which have heretofore been had and done substantially in accordance with the amendatory provisions of this act are hereby approved and declared to be valid.

Passed the House March 5, 1921.

Passed the Senate March 9, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 158.

[H. B. 193.]

## ALIEN AND NON-RESIDENT INSANE PERSONS.

AN ACT relating to alien and non-resident insane persons, providing for their deportation, making it unlawful to bring or aid in bringing an insane person into the state without having obtained permission from the director of business control and providing a penalty therefor, and amending section 1 of chapter 82, Laws of 1915.

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

SECTION 1. That section 2852, Pierce's Code (section 1 of chapter 82, Laws 1915) be amended to read as follows:

Section 2852. It shall be the duty of the director of business control to, in co-operation with the United States bureau of immigration, arrange for the deportation of all alien insane persons who are now confined in or who may hereafter be committed to any state hospital for the insane in this state, such alien insane persons to be transported to such point or points as may be designated by the United States bureau of immigration.

Authorizing  
deportation  
of aliens.

SEC. 2. The director of business control shall also return all non-resident insane persons who are now confined in or who may hereafter be committed to a state hospital for the insane in this state to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state or states for the mutual exchange of insane persons now confined in or hereafter committed to any hospital for the insane in one state whose legal residence is in the other, and he is authorized and empowered to give written permission for the return of any resident or residents of Washington now or hereafter confined in

Authorizing  
deportation  
of non-  
residents.

a hospital for the insane in another state: *Provided, however,* That the state making the request for the return of such insane person or persons, shall have, through the proper authorities, entered into the agreement herein authorized.

A person shall be deemed to be a resident of this state within the meaning of this act who shall have lived continuously in the state for a period of two years and who has not acquired a residence in another state by living continuously therein for at least two years subsequent to his residence in this state: *Provided, however,* That the time spent in a hospital for the insane or on parole therefrom shall not be counted in determining the matter of residence in this or another state.

All expenses incurred in returning insane persons from this to another state may be paid by the State of Washington, but the expense of returning residents of this state shall be borne by the state making the return.

Expense.

SEC. 3. For the purpose of carrying out the provisions of this act the director of business control may employ all help necessary in arranging for and transporting such alien and non-resident insane persons, and the cost and expenses of providing such assistance and all expenses incurred in effecting the transportation of such alien and non-resident insane persons shall be paid from the funds appropriated for that purpose upon vouchers approved by the director of business control and the superintendent of the hospital for the insane from which such persons are transported.

Bringing  
insane  
persons  
into state  
unlawful.

SEC. 4. Any person who shall bring or in any way aid in bringing any insane person into the State of Washington without having first obtained permission in writing from the director of business control shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the

state penitentiary or state reformatory for a term of not less than six months nor more than fifteen years: *Provided, however,* That this section shall not apply to an officer, agent or employe of a common carrier for anything done in the line of duty, nor to a person who through necessity brings or aids in bringing an insane person into the state without an intent to make such person a permanent charge upon the State of Washington.

Passed the House, February 17, 1921.

Passed the Senate, March 2, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 159.

[H. B. 253.]

### HIGHWAY IMPROVEMENT AT EXPENSE OF LAND BENEFITED.

AN ACT relating to highway improvements, and amending sections 6092, 6094, 6100, 6105, 6106, and 6108 Pierce's Code and adding thereto new sections numbered 6110A, 6110B, 6110C, 6110D and 6110E.

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

SECTION 1. That section 6092 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Section 6092. The appraisers shall, within sixty days after the date of entering upon their duties, file a report of their findings, together with the engineer's report and all other papers to them delivered, with the clerk of the board of county commissioners, which report shall contain a schedule and estimate of all property that will be damaged, or benefited, or both damaged and benefited by the proposed improvement. Such schedule and estimate shall be arranged in parallel columns, with appro-

Appraisers'  
report,  
notice of  
hearing on.

priate headings, and shall show the description of the property, and if land, give legal subdivisions, section, township and range and number of acres; and if platted, the name of the plat and the lot and block number; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits that will accrue; and the right-hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement;" and the appraisers shall make and file with their report an itemized bill of all costs made in the proper discharge of their duties under this chapter; and in such bill the appraisers shall not charge for services in excess of six dollars per day for each appraiser for the time actually employed, and no extra compensation shall be allowed for mileage; upon the filing of such report the clerk shall without delay fix a date for the hearing of the reports of the engineer and appraisers; which date shall be not less than fifteen nor more than thirty days from the date of filing said reports, and shall prepare a notice in writing, directed to all owners of land, road districts or township, affected by the improvement, setting forth the pendency, substance and prayer of petition, and enumerating the townships or road districts and the several sections of land, according to the United States survey, which shall lie wholly or partially within the proposed improvement district, and a tabular statement of the assessments of benefits and awards of damages as made by the appraisers in their report, and stating the time and place of the hearing thereon. Such

notice shall be published in the official newspaper of the county for at least two consecutive weeks before the day set for the hearing, which publication shall be proved by the affidavit of the printer or publisher of such newspaper and filed with the clerk on or before the date of hearing.

SEC. 2. That section 6094 of Pierce's Code (Section 5742 Rem. & Bal. Code) be amended to read as follows:

Section 6094. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the improvement and the probable benefits to accrue therefrom, and may change, add to or modify, the plans for such improvement, and change the estimate of damages or benefits in any case, and may review, change and modify any of the findings and estimates of the engineer or the appraisers, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the engineer and may adjourn said hearing and await such report. In case any change in the plans of the proposed improvements is made at said hearing, and such change will cause additional damages to any property, or will damage any property not damaged under the original plans, the engineer and appraisers shall prepare and file a schedule showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlement made as hereinafter provided, and shall then confirm the same by resolution.

Hearing,  
change of  
plans.

SEC. 3. That section 6100 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Section 6100. At any time after the expiration of five days from the entry of the resolution of the

Vetoed  
L. F. H.

board of county commissioners ordering an improvement under the provisions of this act, the board of county commissioners may fix a time for the receiving and opening of sealed bids for the construction of the proposed improvement, and if in the opinion of the board of county commissioners the interests of the public will be advanced thereby, they may divide the improvement into sections of a more or less number of lineal feet, and call for bids on each of said sections, or they may call for bids for each kind of work to be done or material to be furnished or any one or more of such kinds of labor and material, as they may believe to be advisable. If after receiving and considering such bids, it shall appear to the board of county commissioners that the cost of constructing the proposed improvement by contract will be excessive, or that it will exceed the cost of constructing the proposed improvement by day labor, the board may if in its opinion the public will be benefited thereby, reject all bids and by resolution entered in its journal, cause the proposed improvement to be made by day labor. If the improvement is made by day labor as provided in this section, the board may purchase all materials to be used in the same in the open market, or it may call for bids as herein provided and contract for all or any part of such materials, and the work shall be done under the control of the board of county commissioners who may place the county engineer or constructing engineer, if one be employed, in direct charge of the same, subject to the control of the board of county commissioners. The county commissioners shall cause notice to be given as hereinafter provided of the time and place of awarding contracts, and shall direct the engineer who made the survey and estimate, or other competent engineer, to attend at the time and place of opening bids. The board of county commissioners

Vetoed  
L. F. H.

shall superintend and conduct the same, receive all bids for the construction of the improvement, and enter into agreements in the name of the county. The notice of bids shall state the location and general nature of the improvements to be done, and where the plans and specifications are filed for examination, and shall be signed by the clerk of the board of county commissioners by order of the board. The notice shall be published for at least two consecutive weeks previous to the date of receiving and opening bids, in one or more daily or weekly newspapers published and of general circulation in the county, and in such other manner as the board may see fit to direct.

Vetoed  
L. F. H.

SEC. 4. That section 6105 of Pierce's Code (Section 5760 Rem. & Bal. Code) be amended to read as follows:

Section 6105. There shall be included in the cost and expense of such improvement the estimated cost and expense of all engineering and surveying necessary for said improvement, ascertaining the ownership of the lots, tracts or parcels of land included in the improvement district, the cost of publishing notices required to be published, accounting and clerical labor, books and blanks expended or used in connection with said improvement.

Costs of  
improve-  
ment,  
collection.

When the appraiser's report shall be confirmed, the clerk of the board of county commissioners shall prepare, certify to and file with the county treasurer, an assessment roll for each such improvement on which the estimated cost of such improvement shall be entered against the persons and property as shown on the schedule of appraisal, first deducting from any assessment against a person, company or corporation to whom awards of damages have been made the amount of the same, and in case of any excess of damages over the assessment, a warrant shall be drawn on the county treasurer

in favor of the person, company or corporation to whom such damage has been awarded for the balance due after deducting the assessment.

From and after the filing of such assessment roll with the county treasurer, the charge on the respective lots, tracts and parcels of land and other property for the purpose of special assessments on account of such improvement shall be a lien on the property assessed, paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created, except a lien for assessments for general taxes.

Each year when an installment is payable, the clerk of the board of county commissioners shall extend the amount of the same together with interest on the deferred payments at the bond rate upon such assessment roll.

Special taxes shall be levied, become delinquent, and be collected as other general taxes sufficient to pay the next accruing portions of the cost and expense of any such improvement chargeable to the county and to the road district or township respectively, including interest thereon at the bond rate to the next annual installment payment date on such bonds. After delinquency the interest upon such special taxes shall be the same as upon general taxes.

No segregation shall be made so that the unpaid principal against any segregated description shall be less than twenty-five dollars, except upon payment thereof.

SEC. 5. That section 6106 Pierce's Code (Laws 1919 Chapter 95) be amended to read as follows:

Section 6106. When the petition shall so request, the portion of the cost of the improvement chargeable to the improvement district shall be paid for in equal annual installments. The petition shall set forth "that the improvement be paid for on the..... years installment plan," and the number

of years shall not be more than ten. When the improvement is done under the provisions of this section the board of county commissioners shall by resolution direct the county treasurer to open an account to be known as "The..... road improvement fund." The clerk of the board of county commissioners shall divide the total estimated cost of the improvement and apportion the same in accordance with the findings and report of the board of appraisers and those portions of the expense to be borne by the county, township or road districts shall be levied and collected as other taxes, after the awarding of the contract for said improvement: *Provided*, That the board of county commissioners shall, if the petitioners so request, arrange that the portion of the expense to be borne by the road districts or townships be paid in not to exceed ten equal annual installments and the board may in its discretion provide that the portion of the expense to be borne by the county be paid in not to exceed ten equal annual installments, and shall divide that portion of the expense to be borne by the county, road districts or townships, and also the lots and land lying within the proposed improvement boundaries and found to be specially benefited, into as many equal parts as there are installments. In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars or less, such assessment shall be paid in cash and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments: *Provided further*, That the levy of such taxes against road districts or road and bridge funds for any improvement heretofore made shall not be affected by any limitation of law as to tax levies against such road districts or road and bridge funds.

SEC. 6. That section 6108 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Bond issue  
authorized.

Section 6108. That whenever the board of county commissioners shall have provided for the payment of said assessment in installments, as afore-said, it may, if it shall deem it necessary or proper, issue bonds of the county, payable from the said road improvement fund, not to exceed twelve years after the date of the issuance thereof, with such option to redeem as shall be advisable, in an amount not exceeding the cost of such improvement, and said bonds shall bear interest at a rate not greater than seven per cent per annum, and shall be sold at not less than par, by the board of county commissioners in such manner as they shall deem advisable: *Provided*, That should there not be sufficient money in said improvement fund to make payment of any installment of interest, or the bonds when due, said interest or bonds may be paid out of the general road and bridge fund or the current expense fund of the county, as may be directed by the board of county commissioners, and such fund shall be reimbursed from said improvement fund from time to time as monies are paid therein. The county treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective improvement funds from which they are payable.

SEC. 7. That there be added to Pierce's Code a new section numbered 6110A to read as follows:

Vetoed  
L. F. H.

Section 6110A. That all lands held or owned by the State of Washington in fee simple (in trust or otherwise) situated within the limits of any such improvement district may be assessed and charged for special benefits for any such improvements specially benefiting such lands. The interest of the state in such property shall not be sold to satisfy the lien of such assessment, but only such interest

or contract or other right therein as may be in private ownership shall be subject to such sale. All proceedings relating to such assessment of state lands and the collection thereof shall be in accordance with the provisions of Chapter 154, Laws of 1909.

Vetoed  
L. F. H.

SEC. 8. That there be added to Pierce's Code a new section numbered 6110B to read as follows:

Assessments,  
how payable.

Section 6110B. The owner of any lot, tract or parcel of land or other property charged with any such assessments may redeem the same from all or any portion of the liability for the contract price of such improvement by paying the entire assessment or any portion thereof charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment. Assessments certified to the county treasurer for collection in due time therefor shall become due and payable during the thirty day period ending May 31st or November 30th respectively. Such notice shall be given by the county treasurer by publication in the official newspaper of the county in two consecutive weekly issues, that the assessment roll is in his hands for collection and that any assessment thereon or any portion thereof may be paid at any time without penalty, interest or costs during such payment period, and that any assessment in the sum of \$25.00 or less must be paid in cash. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. Whenever any assessment shall be payable in installments, each installment shall become due and payable annually thereafter, during like thirty day periods as in case of original payments upon such assessments. The owner of any such lot, tract or parcel of land may redeem the same from all liability for the unpaid amount of said as-

assessment at any time after said thirty day period for original payment by paying the entire installments of said assessment remaining unpaid and charged against such lot, tract or parcel of land at the time of such payment with interest thereon to the end of the next thirty day payment period. Assessments or installments thereof not paid, within the time herein prescribed shall become delinquent. Assessments or installments thereof, when delinquent shall in addition to interest, have a penalty of five per cent (5%) upon both principal and interest and shall be collected as other general taxes are collected.

SEC. 9. That there be added to Pierce's Code a new section numbered 6110C to read as follows:

Section 6110C. In all cases of special assessments for local improvements, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity or non-conformance with the provisions of law, governing such assessments, or for insufficiency in the assessment, or that property specially benefited was omitted, in any county, the board of county commissioners of such county shall have power by resolution to re-assess such assessments and to enforce their collection in like manner as in original assessments.

All the provisions of this act relating to the filing of appraiser's reports, time and place of hearing thereon, notice of such hearing, the hearing thereon, and the confirmation thereof, the preparation, certification and filing of a re-assessment roll, the time when such assessments shall become a lien upon the property assessed, the method of collecting such assessments and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of re-assessments as in the case of an original assessment.

Grounds for  
re-assess-  
ment.

SEC. 10. That there be added to Pierce's Code a new section numbered 6110D to read as follows:

Section 6110D. The board of county commissioners shall pass such resolution or resolutions as may be necessary to carry out the provisions of this act. Thereafter all proceedings relating to such improvements shall be had and conducted in accordance with this act and such resolutions.

Resolutions  
of board.

SEC. 11. That there be added to Pierce's Code a new section numbered 6110E to read as follows:

Section 6110E. Whenever the sinking fund for such improvement shall, over and above the amount necessary for the payment of interest on all unpaid bonds, be sufficient to pay the principal of one or more bonds, the county treasurer shall designate sufficient bonds, bearing the lowest numbers among those outstanding, to absorb the amount of said fund on hand, as near as may be, and he shall call such bonds by publishing a notice, giving the numbers of the bonds so called for payment, and fixing a day, not less than fifteen days after the first publication of the notice, when the bonds will be paid with accrued interest at the place of payment of said bonds, which notice shall be published in a daily newspaper published in the county seat once in each week for two consecutive weeks. And in case the bonds so called for payment are not presented on the day fixed therefor in such notice, interest thereon shall thereupon cease: *Provided*, The money for the payment thereof shall at all times thereafter be retained at the place of payment of the bonds, in readiness for payment of the same on presentation, until such bonds are presented for payment. All bonds and coupons received by the county treasurer under the provisions of this section shall be at once cancelled by him and filed as vouchers with

Payment of  
bonds from  
sinking  
fund.

the county auditor as *ex-officio* clerk of the board of county commissioners.

Passed the House March 3, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor with the exception of sections 3 and 7, which are vetoed, March 21, 1921.

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## CHAPTER 160.

[H. B. 175.]

### DRAINAGE AND DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to the improvement of lands and other property by diking and drainage, amending sections 1945-57, 1945-60, and 1945-66 Pierce's Code, providing for the establishment of improvement districts wholly or partly within the limits of any incorporated city or town, and providing for the investigation, survey and report of the state reclamation board on such improvements in certain cases and that the cost of the same be taxed against the lands to be benefited by said improvement; and providing that drainage ditches of any drainage improvement districts may be constructed and maintained along any public highway, street or road within the limits of any drainage district.

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

SECTION 1. That section 1945-57 of Pierce's Code (Laws 1917 P. 521) be amended to read as follows:

Section 1945-57: Whenever one or more persons whose land will be benefited thereby shall desire to have improvements constructed for the drainage or protection from overflow, or both, of any continuous body of lands situated in the same county, whether wholly or partly within the limits of any incorporated city or town, proceedings for the construction of such improvements may be had as provided in this act.

Authorized  
improvement  
without  
organization.

SEC. 2. That section 1945-60 Pierce's Code (Laws 1917 P. 523) be amended to read as follows:

Section 1945-60. Upon the filing of the petition and the approval of the bond, the clerk of the board shall deliver a copy of said petition to the county engineer, who shall at once proceed to view the line and location of the proposed improvement and the property to be affected thereby and determine whether the improvement is in his opinion necessary or will be conducive to public health, convenience or welfare and whether in his opinion the location and route described are the best for the proposed improvement, what, if any, part of the proposed system of improvement mentioned in the petition should in his judgment be omitted, and what, if any, additions should be added thereto or changes made therein, and shall report to and file his findings in writing with the board of county commissioners: *Provided*, That if the lands to be benefited by said improvement are described in said petition and comprise three thousand (3,000) acres or more, the board of county commissioners, may, in its discretion, after a hearing previously had, as hereinafter provided, if it is so requested in said petition, dispense with the investigation by the county engineer and ask the state reclamation board to make such surveys and investigation of the lands involved in the proposed improvement as said reclamation board may deem advisable for the purpose of determining the feasibility of said improvement and the best means of accomplishing the same, and said reclamation board shall have the power in its discretion to make such survey and investigation and to report to and file its findings in writing with the board of county commissioners, which report shall contain at least all the findings of the county engineer, aforesaid, and shall have the same effect. In the event that said survey, investigation and re-

Report by  
county  
engineer.

port are made by or under the supervision of the state reclamation board the petitioners shall not be required to furnish the bond provided for in section 1945-59 herein.

Notice of  
hearing on  
petition.

(a) Upon receipt of said petition the county board shall send a copy of the same to the state reclamation board and ask for an estimate of the total cost of such survey, investigation and report, which the state board shall in its discretion make out and file with the county board. The county board shall thereupon by resolution fix a time and place for a hearing on same and shall cause a thirty (30) day notice of said hearing to be given, by posting a copy of the same in a conspicuous public place in each voting precinct or fraction thereof included in the area of lands to be benefited by said improvement and by publishing the same in a newspaper of general circulation in the proposed district in three successive weekly issues of said paper, the date of the first publication being at least thirty (30) days before the day of hearing. Said notice shall contain a copy of the petition and of the estimate of expense, shall name the time and place of hearing, shall state that the expense of the survey and investigation contemplated in the petition will be charged against the lands described therein and shall require everyone interested to appear at said time and place and show cause in writing, if any he has, why the prayer of the petition should not be granted.

Determina-  
tion of  
board.

(b) Upon the hearing of such petition the board shall determine whether such survey and investigation should be made and whether any or all the lands described in said petition, or any additional ones, should bear their proportional expense of said survey and investigation and may adjourn such hearing from time to time not exceeding ninety (90) days in all: *Provided*, That no additional lands

shall be made to bear their proportional expense of said survey and investigation without first giving the notice to all parties interested, as hereinabove provided: *Provided*, That in no event shall the total cost of such survey, investigation and report exceed the amount stated in the estimate of the state reclamation board more than fifty (50) per cent. and any obligations contracted in excess of such maximum shall be void. The determination of the board shall be by resolution and shall be final and conclusive upon all persons except for fraud or lack of jurisdiction.

(c) If the board of county commissioners shall determine in favor of said survey and examination, it shall enter into a contract with the state reclamation board to do such work, which shall be done at actual cost, from any monies in the state reclamation revolving fund. As a part of its report said reclamation board shall include an itemized statement under oath of the expenses that have been incurred in the making of said investigation, surveys and report aforesaid and the board of county commissioners shall thereupon cause a copy of such statement of expense together with a notice naming a time and place when and where said statement will be brought before the board for hearing and determination, to be published in a newspaper of general circulation published in the county two successive weeks prior to the date of said hearing. At the time of such hearing or at such other time, not exceeding thirty (30) days in all, to which the same may be continued or adjourned by said county commissioners, the board shall proceed to examine said statement, hear testimony, if offered, and shall make and enter an order upon the minutes of said meeting approving said statement or so much thereof as shall be deemed correct.

State  
reclamation  
board to do  
work.

Apportion-  
ment of  
expense.

(d) Upon the approval of said statement of expense, the board of county commissioners shall by resolution apportion the same among the lands included in proportion to acreage, each acre, or fraction thereof, of the owners, bearing the same amount, and assess, levy and distribute such apportioned expense as a tax against said lands to be paid as a part of the general county and state tax against said lands at the same times, with the same penalties attached for delinquencies, and to be collected by the same agencies, as said general taxes. The county treasurer shall credit all collections of the same to the current expense fund of the county: *Provided*, That in no event shall the county board have power to apportion, assess, levy and distribute the expenses of any survey, investigation and report as taxes under the provisions of this section unless said survey, investigation and report has been made or shall have been made by or under the supervision of the state reclamation board.

Payment by  
warrant.

(e) At the time of the approval of said statement of expenses, the board of county commissioners shall direct the auditor to issue a warrant against the county current expense fund payable to the state reclamation board for the amount of said expenses, which warrant shall be issued forthwith. All such sums so paid on account of such expenses shall be credited to the state reclamation revolving fund.

Further  
agreements.

(f) If the report of the state reclamation board is in favor of said improvement, the board of county commissioners shall proceed as directed in section 1945-62 Pierce's Code, 16, and following of chapter 130, Laws of 1917: *Provided*, That nothing herein contained shall be construed as preventing the county commissioners, or the improvement district so organized, as the case may be, from making such further agreement, as it may determine, with the state reclamation board for the construction or

supervision of said contemplated improvement, under the provisions of the state reclamation act.

SEC. 3. That Drainage ditches of any drainage improvement district heretofore or hereafter created may be constructed and maintained along any public highway, street, alley or road within the limits of any drainage district.

Ditches  
along  
highway,  
etc.

Passed the House February 17, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 161.

[S. B. 112.]

### CONVEYANCE TO DAVID STERN.

AN ACT for the relief of David Stern.

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

SECTION 1. That there be and is hereby given and granted unto David Stern all the right, title and interest which the State of Washington may have acquired upon the death of Alfred Nelson, deceased, in and to the following described lands in King County, State of Washington, to-wit:

Lot One (1), Block fifty-eight (58) of Terry's First Addition to the Town of Seattle.

Passed the Senate February 11, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 162.

[S. B. 228.]

## PUBLICATION OF SUPREME COURT REPORTS.

AN ACT relating to the publication of the decisions of the Supreme Court.

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

SECTION 1. The chief justice and reporter of the supreme court are hereby authorized to modify the contract between the State of Washington and Bancroft-Whitney Company, publishers, entered into July 13, 1915, for the publication of the reports of the supreme court of Washington, to permit said publishers to charge not to exceed two dollars and twenty-five cents (\$2.25) per volume for the bound volume of reports, and two dollars and seventy-five cents (\$2.75) per volume for the bound volume and the advance sheets, for the period of two years after the taking effect of this act: *Provided*, That there shall be no increase in the price of the volumes furnished to the state under said contract.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

Contract  
with  
Bancroft-  
Whitney  
Company.

CHAPTER 163.

[S. B. 159.]

REQUIREMENTS FOR ADMISSION TO THE UNIVERSITY OF WASHINGTON.

AN ACT regulating the requirements for admission to the University of Washington.

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

SECTION 1. The University of Washington shall begin it's courses of study in Liberal Arts and Science at the points where the same are completed in the public high schools of the state, as far as practicable. No student shall be admitted to the University of Washington who shall have less than graduation from a four year accredited high school except persons twenty-one years of age or over, and students registering in extension work, short courses and in the Summer Sessions. No student shall be admitted except upon examination satisfactory to the University or upon certificates from those public high schools and other educational institutions whose courses of study meet the approval of the said University.

Educational requirements.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Passed the Senate February 28, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 164.

[S. B. 225.]

## STATE COLLEGE OF WASHINGTON TUITION FEES.

AN ACT relating to the State College of Washington and providing for the collection and disposition of tuition fees.

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

Amount of  
fee.

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 of seventy-five (\$75.00) dollars per semester. All other students except those in summer schools, short courses, correspondence or extension courses, shall be charged [charged] a tuition fee of not less than ten (10) dollars per semester.

Disposition  
of fees.

SEC. 2. The tuition fees collected under section 1 of this act shall be deposited with the state treasurer in the state college current fund, and expended by the board of regents for either buildings or equipment or operation or maintenance as may be deemed most advisable for the best interests of the institution. Expenditures so made shall be accounted for in accordance with existing law.

Refund,  
when.

SEC. 3. Tuition fees collected under this act are not returnable unless in case of sickness or other causes beyond the control of the student. In no case shall more than one-half ( $1\frac{1}{2}$ ) of the tuition be refunded. Students withdrawing under discipline forfeit all rights to the return of any portion of the fees. No portion of the tuition shall be refunded after thirty (30) days from date of registration of the student.

SEC. 4. The board of regents may exempt the following classes of persons from the payment of tuition: (1) All honorably discharged service men who served in the military or naval service of the United States during the late world war; and all honorably discharged service men in the military or naval services of any of the governments associated with the United States during said war, provided they were citizens of the United States at the time of their enlistment and who are again citizens at the time of their registration at the state college. If any of such service men have not resided in this state for one (1) year prior to registration said board may exempt them up to one-half ( $\frac{1}{2}$ ) of the tuition payable by other non-resident students; (2) members of the staff of the state college of Washington; (3) In case of deserving students of this state and Alaska who, after a quarter in residence have shown a marked capacity for the work done by them in school, the board of regents, may, in lieu of collecting the fees provided for in section one of this act, extend credit to said students in the amount of said fees, taking therefor the promissory note of the students with interest at the rate of four per cent per annum.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

Exemptions  
from  
payment of.

## CHAPTER 165.

[S. B. 197.]

## FERRIES.

AN Act relating to ferries and amending section 2409 Pierce's Washington Code (Chapter 26 Session Laws of 1915).

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

SECTION 1. That section 2409 Pierce's Washington Code be amended to read as follows:

Interstate. Section 2409. That whenever the board of county commissioners of any county shall determine that the construction or maintenance of a ferry in a state adjoining such county or connecting such county with such adjoining state is of necessity or convenience to the citizens of such county, the board shall have power to enter into a contract for the construction or maintenance of such ferry, or to make such contribution as may be deemed advisable toward the construction or maintenance thereof, and to lease, or grant exclusive permits to use any wharf or landing owned or leased by such board to any person, firm or corporation furnishing, or agreeing to furnish ferry service between such county and such adjoining state.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 166.

[S. S. B. 144.]

## PUBLIC IMPROVEMENT CONTRACTS.

AN ACT regulating contracts for public improvements, fixing the percentages to be retained for the protection of materialmen and laborers, giving a lien thereon, and providing for the foreclosure thereof.

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

SECTION 1. That contracts for public improvements or work by the state, or any county, city, town, district, board, or other public body, shall provide, and there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to fifteen per cent. (15%) of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, sub-contractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or sub-contractors with provisions and supplies for the carrying on of such work. Said fund shall be retained for a period of thirty (30) days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies towards the completion of said improvement or work shall have a lien upon said fund so reserved, provided such notice of the lien of such claimant shall be given in the manner and within the time provided in section 1161 of Remington & Ballinger's Annotated Code and Statutes of Washington as now existing and in accordance with any amendments that may hereafter be made thereto: *Provided, however, That*

Retention of  
15% of  
estimate.

Lien for  
labor or  
supplies.

Retention of  
10%.

where in any improvement or work the contract price shall exceed two hundred thousand dollars (\$200,000), but ten per cent. (10%) shall be reserved on estimates in excess of said sum or where the aggregate of previous estimates equals or exceeds said amount. The provisions of this act shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Time for  
full  
payment.

SEC. 2. That after the expiration of thirty (30) days following the final acceptance of said improvement or work, and the expiration of the time for the filing of lien claims, as herein provided, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of materialmen and laborers who have filed their claims, as provided for in section 1 of this act, together with a sum sufficient to defray the cost of such action and to pay attorneys' fees, shall be paid to said contractor.

Foreclosure  
of liens.

SEC. 3. Any person, firm or corporation filing a lien claim against said reserve fund shall have four (4) months from the time of the filing of claims against said fund in which to bring an action for the foreclosure of such lien. The liens provided for in this chapter shall be enforced by a civil action in the superior court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that be against it. In the event the lien claimant fails to bring an action within the time provided for and limited herein, the said reserve fund shall be discharged from the lien of said claimant and the moneys so held shall be forthwith paid to the contractor: *Provided, however,* That the limitation of four (4) months provided for herein shall not be construed as a limitation upon the

right to sue the contractor or his surety where no right of foreclosure against said fund is sought.

Passed the Senate March 3, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 167.

[S. S. B. 8.]

### SENATORIAL AND REPRESENTATIVE DISTRICTS IN SPOKANE COUNTY.

AN ACT relating to a change in the boundary lines of the Fourth, Fifth and Seventh Senatorial Districts and the Third, Fourth and Sixth Representative Districts in Spokane County, Washington.

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

SECTION 1. That the southeast quarter (SE $\frac{1}{4}$ ) of section twenty-eight (28), in township twenty-seven (27), North, of range forty-three (43), E. W. M., in said Spokane County, be, and the same is hereby, taken from the area composing North Colbert precinct in the Fifth Senatorial and Fourth Representative Districts, in said Spokane County, and be, and the same is hereby, added to, made a part of and incorporated into the area of Colbert precinct, situated in the Fourth Senatorial and Third Representative Districts, in said Spokane County, Washington.

Change in boundaries.

SEC. 2. That the following described area in Spokane County, Washington, being now known and designated as Cowley precinct therein, be, and the same is hereby, transferred from the Fifth Senatorial and Fourth Representative Districts to the

Seventh Senatorial and Sixth Representative Districts,—that is to say:

Beginning at the northwest corner of the northeast quarter ( $NE\frac{1}{4}$ ) of section thirty-five (35), in township twenty-five (25), North, of range forty-two (42), E. W. M.; thence south along the north and south center line of said section 35 to the south line of said section; thence east along the south line of section 35, township 25, North, of range 42, E. W. M., and the south line of section 36, township 25, North, of range 42, E. W. M., and the south line of section 31, township 25, North, of range 43, E. W. M., to the intersection of the south line of said section and the center line at Latah Creek; thence northwesterly along the center line of Latah Creek to the west line of section 36, township 25, North, of range 42, E. W. M.; thence north along the east line of said section to the northeast corner thereof; thence west along the north line of section 36 and 35 to the northwest corner of the northeast quarter of section 35, township 25, North, of range 42, E. W. M., the place of beginning.

Passed the Senate February 2, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 168.

[S. B. 102.]

PROHIBITING ADVERTISING OF TREATMENT FOR  
CERTAIN DISEASES.

AN ACT relating to crimes, prohibiting the advertising of the treatment and cure of sexual diseases, providing the penalty therefor and repealing sections 2462 and 2710 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. Every person who shall advertise, either in his own name, or in the name of another person, co-partnership or pretended co-partnership, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, periodical or in any other written or printed paper, and every owner, publisher, editor or manager of any newspaper, pamphlet, circular, periodical or other written or printed paper, who shall publish, or permit to be published or inserted, an advertisement in any newspaper, pamphlet, circular, periodical, or other written or printed paper, owned or controlled by him, or of which he is the editor or manager, and every person who shall distribute, circulate, display or cause to be distributed, circulated or displayed, any newspaper, pamphlet, circular, periodical, or other written or printed paper containing any advertisement for the treatment or care of venereal diseases, the restoration of lost manhood, or of lost vitality or lost vigor, or monthly regulators for women, or the treatment of diseases of the sexual organs, or diseases caused by sexual vice, self-abuse or any disease of like cause, or the sale of any medicine, drug, compound, mixture, appliance, or any means whatever, whereby sexual diseases of men or women may be cured or relieved, shall be guilty of a gross misdemeanor.

Offenses  
stated.

Use of certain words prima facie evidence.

SEC. 2. Any advertisement in any newspaper, periodical, pamphlet, circular or other written or printed paper, containing the words, "lost manhood", "lost vitality", "lost vigor", "monthly regulators for women", or words synonymous therewith, shall be prima facie evidence of intent to violate this act by the person or persons so advertising, or causing to be advertised, or publishing or permitting to be published, or distributing, circulating and displaying or causing to be distributed, circulated or displayed, any such advertisement.

Repealing clause.

SEC. 3. That sections 2462 and 2710, Remington & Ballinger's Annotated Codes and Statutes of Washington, be, and the same are hereby, repealed.

Passed the Senate February 9, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

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CHAPTER 169.

[S. B. 120.]

REFORESTATION.

AN ACT relating to the acquirement and designation of lands to be known as state forest lands and to be used for the development and growth of timber, and making an appropriation.

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

State may acquire lands for.

SECTION 1. The director of conservation and development is authorized to acquire by purchase or gift any lands which, by reason of their location, topography and geological formation, are unsuitable for agricultural development, and are chiefly valuable for the purpose of developing and growing timber, and to designate such lands and any lands of the

same character belonging to the state, as state forest lands: *Provided*, That not to exceed five dollars per acre shall be paid for any lands purchased under this act: *Provided further*, That the director is authorized to acquire by purchase at a price not to exceed one dollar per acre, or by gift, any such lands reserving to the vendor or donor all oils, gases, coal, minerals and fossils of every name, kind or description, or either or any of them, which may be in or upon said lands and the right to enter upon said lands for the purpose of prospecting for or opening, developing and working mines thereon and taking and removing therefrom the materials reserved.

SEC. 2. Whenever any lands are designated as state forest lands, the commissioner of public lands shall be notified and shall note such designation upon the records of his office, and shall keep a record describing all of such lands, the date when and how acquired and the price, if any, paid therefor; and thereafter such lands shall be reserved from sale or lease: *Provided, however*, That the timber on such lands may be sold whenever the director of conservation and development shall notify the commissioner of public lands that such timber is suitable for sale: *Provided further*, That such lands shall be subject to lease under the laws relating to mineral lands of the state, but under such conditions as shall not interfere with and impair their use as state forest lands.

Reserved  
from sale.

SEC. 3. The director of conservation and development is authorized to seed and develop forests on any lands designated by him as state forest lands, and shall furnish such care and fire protection for any such lands as he shall deem advisable.

Seed and  
develop.

SEC. 4. The commissioner of public lands, supervisor of forestry and the supervisor of geology, shall, on or before the first day of January of each

Logged-off  
or deforested  
lands  
reported.

year, report to the director of conservation and development any logged-off lands or deforested lands belonging to the state or held in private ownership, coming to their knowledge and observation during the preceding year, of the same character as the lands described in section 1 of this act.

Appropriation  
\$5,000.00.

SEC. 5. There is hereby appropriated the sum of five thousand dollars, payable out of the reclamation revolving fund of the state, not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Delegation  
of powers.

SEC. 6. The state forester and fire warden shall exercise all the powers and perform all the duties in this act vested in, and required to be performed by, the director of conservation and development and the supervisor of forests, until such time as such officers shall be appointed, qualify, assume and exercise the duties of their respective offices; and the state geologist shall exercise all the powers and perform all the duties in this act vested in, and required to be performed by, the supervisor of geology, until such time as such officer shall be appointed, qualify, assume and exercise the duties of his office.

Vetoed  
L. F. H.

SEC. 7. *Provided, however,* All lands purchased under the provisions of this act shall be classified and designated as "State Granted School Lands."

Passed the Senate March 4, 1921.

Passed the House March 7, 1921.

Approved by the Governor, with the exception of section 7, which is vetoed, March 19, 1921.

## CHAPTER 170.

[S. B. 139.]

ELECTIONS IN OTHER THAN CLASS A AND FIRST  
CLASS COUNTIES.

AN Act fixing the time for holding city, port district and school district elections in certain cases, providing for the appointment of election officers and prescribing their duties, and fixing the time of the commencement of terms of municipal and district officers.

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

SECTION 1. All city, school district and port 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 city, port district or school district, of any question for their adoption and approval or rejection, in any port district, containing a school district of the first class, shall be held on the first Saturday in December in the year in which they may be called: *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 election or special bond election.

Time of  
holding.

SEC. 2. The term of every city, port district and school district officer elected under the provisions of this act shall begin on the first Monday in January following his election: *Provided, however*, That 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: *And provided further*, That 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.

Term of  
office.

Place of  
holding and  
election  
officers.

SEC. 3. It shall be the duty of the chairman of the board of county commissioners, the county auditor and the prosecuting attorney in all city, town and district elections held under the provisions of this act to provide places for holding elections, to appoint the election officers, to provide for their compensation, to provide ballot boxes, ballot or voting machines, poll books and tally sheets, and deliver them to the election officers at the polling places, to publish and post notices of calling such elections in the manner provided by law, and to apportion to each city, town or district its share of the expense of such election.

Conduct of  
elections.

SEC. 4. The election officers hereinabove provided for shall conduct such election and shall receive and deposit the ballots cast thereat in the proper and respective ballot boxes and shall count said ballots and make return thereof to the proper officers of the respective cities, port districts and school districts in the manner provided by law: *Provided, however,* That there shall be but one set of election officers in each precinct.

Polls,  
hours to  
remain  
open.

SEC. 5. At every election held under the provisions of this act, the polls shall be kept open from eight o'clock A. M. to eight o'clock P. M., and all qualified electors who shall be inside the polling place at eight o'clock P. M. shall be allowed to cast their ballots at such election.

Passed the Senate March 5, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 171.

[S. B. 204.]

## INVESTIGATION OF TAXATION.

AN ACT authorizing the Governor to investigate the subject of taxation and to employ assistance in making such investigation, and making an appropriation therefor.

WHEREAS, real property and tangible personal property are now bearing the entire burden of taxation; and

WHEREAS, this class of property cannot be any more burdened without confiscation; and

WHEREAS, it is necessary that some steps be taken to bring about a more equitable and fair distribution of the burdens of government as related to raising of revenue; therefore

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

SECTION 1. That the Governor of the State of Washington be, and he is hereby, empowered to take such steps as he shall deem necessary to properly investigate the entire subject of taxation.

Governor  
authorized  
to make.

SEC. 2. That he shall employ such expert assistants as he may deem necessary to make a thorough and comprehensive investigation of the entire subject of taxation.

Assistants.

SEC. 3. That he shall make and publish a report of his findings and recommendations regarding the subject of taxation at least six months before the meeting of the next Legislature and file his report with the Legislature for its information.

Report.

SEC. 4. There is hereby appropriated from the general fund to the Governor of the State of Washington the sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary to be ex-

Appropriation  
\$20,000.00.

pended upon his personal voucher to pay the expenses of said investigation.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 172.

[S. B. 233.]

### CONSTITUTIONAL AMENDMENT ON COMPENSATION OF LEGISLATORS.

AN ACT providing for the amendment of section 23, article II, of the constitution of the state of Washington, relating to compensation to be paid members of the legislature.

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

Submission  
to voters.

SECTION 1. That at the general election to be held in this state on Tuesday next succeeding the first Monday in November, 1922, there shall be submitted to the qualified electors of this state, for their adoption and approval or rejection, an amendment to Article II of the Constitution of the State of Washington, so that section 23 of said Article II when amended shall read as follows:

Compensa-  
tion.

Section 23. Each member of the Legislature shall receive for his services, ten dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the Legislature, on the most usual route.

Publication  
of amend-  
ment.

SEC. 2. The secretary of state shall cause the foregoing amendment to be published for at least three months next preceding the election, in some

weekly newspaper, in every county where a newspaper is published throughout the state.

Passed the Senate March 3, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 173.

[S. B. 161.]

### TAXATION.

AN ACT relating to revenue and taxation, requiring dealers as therein defined to pay an excise tax on the sale of certain liquid fuels, fixing a penalty for a violation of the provisions of the act, and repealing sections 6051 to 6058 inclusive of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. (a) The term "internal combustion engine" whenever used in this act shall be held and construed to mean and include any vehicle, engine or machine movable or immovable which is operated or propelled by the combustion of volatile and inflammable liquid fuels.

"Internal combustion engine" defined.

(b) The terms "liquid fuel," "liquid fuels," "fuel" and "fuels" whenever used in this act shall be held and construed to mean and include gasoline and all volatile and inflammable liquid fuels, produced or compounded for the purpose of operating or propelling internal combustion engines: *Provided*, That kerosene shall not be considered to be a liquid fuel in the meaning of this act.

"Liquid fuel," etc., defined.

(c) The term "distributor" whenever used in this act shall be held and construed to mean and include any person, firm, or corporation which produces, refines, manufactures or compounds and

"Distributor" defined.

thereafter sells such liquid fuel in the State of Washington for use and sale in this state, or who imports and sells such liquid fuel into this state except as hereinafter provided.

Excise tax  
of 1%.

SEC. 2. That in addition to the taxes now provided for by law each and every distributor, as defined in this act, who is now engaged or who may hereafter engage, in his own name, or in the name of others, or in the name of his representatives or agents in this state, in the sale of liquid fuel as herein defined, shall not later than the fifteenth of each calendar month render a sworn statement to the director of licenses of the State of Washington of all such liquid fuel sold by him or them in the State of Washington during the preceding calendar month, and pay an excise tax of one cent per gallon on all liquid fuel so sold as shown by such statement in the manner and within the time hereinafter provided.

Distributors  
to file  
certificate.

SEC. 3. All distributors of such liquid fuel in the State of Washington shall file a duly acknowledged certificate with the director of licenses on forms prescribed, prepared and furnished by him, which shall contain the name under which such distributor is transacting business within the State of Washington; such certificate shall state the place or places of business and location of distributing stations of the distributor in the State of Washington, the name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership, and if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general agent and attorney-in-fact. If such distributor is an association of persons, firm, partnership or corporation organized under the laws of another state, territory or nation, if it has not already done so, it must first

comply with the laws of Washington relating to the transaction of its appropriate business therein. No distributor, as herein defined, shall, after this law goes into effect, sell any liquid fuel until such certificate is furnished as required by this act.

SEC. 4. Every distributor of such liquid fuel shall render to the director of licenses of the State of Washington, on or before the fifteenth day of each month, on forms prescribed, prepared and furnished by said director, a sworn statement of the number of gallons of liquid fuel sold by it, him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers in case of a domestic corporation, or by the resident general agent or attorney-in-fact in case of a foreign corporation, or by the managing agent or owner in case of a firm or association, and shall contain a statement of the quantities of liquid fuel sold. Bills shall be rendered to dealers in liquid fuel as herein defined. Said bills shall contain a statement printed thereon in a conspicuous place that the distributor of such liquid fuel has assumed the liability to the state for the license tax herein imposed and that he, it, or they will pay said license tax on or before the fifteenth day of the following month.

Monthly  
statement  
by dis-  
tributor.

SEC. 5. Said excise tax shall be paid on or before the fifteenth day of each month to the state treasurer of the State of Washington, who shall receipt the distributor therefor, and place the same to the credit of the motor vehicle fund.

Monthly  
payment of  
tax.

SEC. 6. Every distributor of such liquid fuel shall keep a record in such form as may be prescribed by the director of licenses of all purchases, receipts, sales and distributions of such fuel, and such record shall at all times during the business hours of the day be subject to inspection and examination by the

Distributor  
to keep  
record.

director of licenses, or his députies, or such other officers as may be provided by law.

Sticker tags.

SEC. 7. All liquid fuel sold in containers shall bear a sticker tag showing the date of invoice upon which the same was delivered, the name of the distributor of such fuel, and shall contain a statement that the liability for the license tax thereon has been assumed by such distributor.

Violations.

SEC. 8. It shall be unlawful for any person, firm or corporation dealing in liquid fuel to receive or accept any delivery or shipment of liquid fuel from any distributor or to pay for the same, or to sell or offer the same for sale, unless the statement provided for in section (7) appears upon the container and upon all invoices for such liquid fuel. If any shipment of liquid fuel is received by any person, firm or corporation from any distributor, or is sold or offered for sale by him or them, upon which the requirements of sections 4 and 7 of this act are not complied with, such person, firm or corporation shall be deemed guilty of a misdemeanor: *Provided*, That the provisions of this section shall not apply to the receipt or sale of liquid fuels which are exempt from state taxation under the Constitution and laws of the United States.

Rules and regulations.

SEC. 9. The director of licenses shall have the power and it shall be his duty from time to time, to adopt, publish and enforce rules and regulations not inconsistent herewith for the purpose of carrying out the provisions of this act.

Exportation.

SEC. 10. Said excise tax shall not be imposed on liquid fuel when sold for exportation from the State of Washington to any other state, territory or nation: *Provided, however*, The distributor or exporting agent shall make a statement each month to the

director of licenses showing the amount of liquid fuel exported.

SEC. 11. If any person shall receive such liquid fuels in such form and under such circumstances as shall preclude the collection of this tax from the distributor by reason of the provisions of the Constitution and laws of the United States, and shall thereafter sell such liquid fuel in such manner and under such circumstances as may subject such sale to the taxing power of the state, such person shall be considered a distributor and shall make the same reports, pay the same taxes and be subject to all the other provisions of this act relating to distributors of liquid fuel.

When tax precluded by U. S. laws.

SEC. 12. Any distributor, association of persons, firm or corporation violating any of the provisions of this act or of any of the rules and regulations prescribed by the director of licenses for the purpose of carrying its provisions into effect, shall be deemed guilty of a gross misdemeanor.

Violations.

SEC. 13. Nothing in this act contained shall be construed to require the payment of the excise tax herein provided for, or the doing of any acts which would constitute an unlawful burden upon the sale or distribution of liquid fuels as herein defined, in violation of the Constitution or laws of the United States.

Scope of act.

SEC. 14. The secretary of state shall exercise all the powers and perform all the duties required of the director of licenses until such time as the director of licenses shall be appointed and qualify.

Delegation of powers and duties.

SEC. 15. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the act.

Partial invalidity.

Repealing  
clause.

SEC. 16. That sections 6051 to 6058 inclusive of Rem. & Bal. Code are hereby repealed.

SEC. 17. This act shall take effect July 1, 1921.

Passed the Senate February 26, 1921.

Passed the House March 1, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 174.

[S. B. 170.]

### POLL TAX.

AN ACT providing for the levy and collection of an annual poll or capitation tax, providing penalties, and declaring that this act shall take effect immediately.

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

Persons  
liable for.

SECTION 1. All persons of this state, over twenty-one (21) years of age and under fifty (50) years of age, except idiots, insane persons, and persons supported at public expense, shall annually pay a poll tax of five dollars (\$5.00), which shall be due and payable in money without any exemptions whatsoever, on or before the first day of May of each year, to the county treasurer of the county in which such person resides, who shall issue to such person a receipt therefor.

Listing of  
inhabitants  
and  
employers.

SEC. 2. It shall be the duty of the county assessor of each county of the state to annually, at the time of the assessment and listing of personal property for the purpose of taxation, as provided for by law, to list all inhabitants of the county liable to pay a poll tax and to compile and furnish to the county treasurer on or before the 30th day of April in each year, a list of all persons liable for the payment of

the poll tax as herein provided, together with the addresses of such persons. It shall be the duty of the industrial insurance department to furnish to the county treasurer of each county, on or before the 30th day of April of each year, a list of all employers within such county whose names appear upon the records of the industrial insurance department as contributors to the accident or other funds of said department.

SEC. 3. Any person, firm, corporation or company, or agent thereof, having in his or their employ persons liable to pay a poll tax as herein provided, shall, before making to any such person any payment of wages or salary after the first day of May of each year, require of such person satisfactory proof that he or she has paid the poll tax herein required, and, in the event that such proof is not furnished, such person, firm, corporation or company, or agent thereof, shall deduct from the wages or salary due and owing to each of such employees the sum of the poll tax for which such employee is then liable and to pay the same to the county treasurer, on behalf of such employee. Any person, firm, corporation or company, or agent thereof, failing to make any deductions herein provided for shall be liable for the payment of any poll tax not so deducted, together with interest and penalties; and the books, records or payrolls of any such employer shall always be open to inspection of any public officer, his agent or representative who is charged with any duty relating to the collection of the tax herein provided. If any employer or other person shall refuse to submit his books, records or payrolls for inspection by any proper officer, such officer may apply to a superior judge of the proper county for an order directing that he be allowed to make such inspection, and if any employer or other person shall

Employer to  
require proof  
of payment.

refuse to obey said order he shall be in contempt of court and shall be punished as in cases of contempt. Such person shall also be guilty of a misdemeanor.

Sheriff to collect after June first.

SEC. 4. It shall be the duty of the county treasurer of each county of the state to certify, on the first day of June of each year, to the sheriff of such county, a list of the names of all persons liable for the payment of the poll tax as herein provided who have not made such payment, and upon receipt of such list it shall be the duty of the sheriff to collect the poll tax from such persons and from any others liable therefor. Upon the neglect or refusal of any such person or persons to pay said poll tax the sheriff shall collect the same by seizure and sale of any property owned by such person or persons, and no property shall be exempt from seizure hereunder, and any such property seized shall be sold or caused to be sold by the sheriff after ten days' notice given, the same as in notices of sale under execution, to pay the said tax and the costs of seizure and sale.

Collections remitted to state treasurer.

SEC. 5. The various county treasurers shall on or before the first day of every month remit to the state treasurer four-fifths of all taxes collected under this act, and said taxes so remitted shall be deposited in the general fund and the county treasurers shall deposit the remaining one-fifth of said taxes collected in the current expense fund of their respective counties: *Provided*, That if the taxes collected under the provisions of section 8, chapter 1, Laws of the Extraordinary Session of the Legislature of 1920, shall prove insufficient to pay the interest and principal of the bonds issued under said act, then it shall be the duty of the Legislature to appropriate monies from the general fund to cover such deficiency in an amount not in excess of the monies transmitted to the general fund under this act.

SEC. 6. That said poll tax shall operate as a lien on all real and personal property of whatsoever kind which may be owned by or in which the said taxpayer may have an interest for the year he may owe the tax and such lien shall continue to exist thereon into whatever hands such property or interest may pass, and the county treasurer shall, on and after the first day of June of each year of which such tax shall be payable, enter such unpaid tax on the real property tax rolls of the county in the manner provided by law for the collection of personal taxes and thereafter such tax shall be collected in the same manner and subject to the same penalties as provided for in the case of general taxes.

Lien of tax.

SEC. 7. Before any person serving as a juror or as a witness in criminal or state cases shall receive the compensation to which he is entitled for his mileage and per diem, he shall exhibit to the clerk of the court and county auditor a receipt or other evidence of payment for the poll tax or taxes due by him, and upon failure to produce the receipt or other evidence of payment, the clerk of the court or other proper officer issuing the warrant for the mileage and per diem, shall issue a warrant for the amount due such witness less the poll tax due and shall issue a warrant for the amount so received for said poll tax to the treasurer of the county who shall collect the same; and the county treasurer shall give such person credit for the poll tax.

Court clerk to deduct tax, when.

SEC. 8. The state auditor shall prepare and have printed suitable forms of poll tax receipts with appropriate blank for name and year for which paid and date of payment, and on or before the 30th day of April of each year, shall furnish to the several county treasurers of the state blank receipts, countersigned with his *fac-simile* signature, sufficient for the use of the respective counties, taking their

Poll tax receipts.

receipt for the same. Each blank receipt for such poll tax shall be made in duplicate and numbered consecutively, the original to be delivered to the person paying said tax and the duplicate to be filed in book form in the office of the county treasurer.

Collection  
of tax.

SEC. 9. The county treasurer and sheriff may in the name of the county, where any poll tax is sought to be collected, invoke in the collection of such tax any process of civil procedure authorized by law. Public officers of this state shall render any service demanded by the county treasurer and county sheriff duly authorized by them, without charge or fee of any kind: *Provided*, That the county commissioners may allow in the case of public officers who receive their compensation by fees, such allowance chargeable as costs as provided by law.

Partial  
invalidity.

SEC. 10. If any section, subdivision, sentence or clause of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Emergency.

SEC. 11. This act is necessary for the support of the state government, and its existing public institutions, and shall take effect immediately.

Passed the Senate February 26, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 175.

[S. S. B. 130.]

## POWERS OF DIRECTORS OF FIRST CLASS SCHOOL DISTRICTS.

AN ACT relating to education and to the public schools; prescribing and limiting the powers of directors and officers of school districts in matters of health and sanitation, and amending section 4509 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4509 of Rem. & Bal. Code be amended to read as follows:

Section 4509. Every board of directors of a school district of the first class shall, in addition to the general powers enumerated in chapter XVII (XV) of this title have the power:

Powers  
enumerated.

First: To employ for a term of not exceeding three years a city superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

Second: To prescribe a course of study and a program of exercises which shall not be inconsistent with the course of study prepared by the state board of education for the use of the common schools of this state.

Third: To make necessary by-laws for more effectively carrying out the provisions of this act and for facilitating the work of the board, as required by law.

Fourth: To adopt and enforce such rules and regulations as may be deemed essential to the well being of the schools, and to establish and maintain such grades and departments, including night, high, kindergarten, manual training and industrial schools and schools and departments for the education and

training of any class or classes of defective youth, as shall, in the judgment of the board, best promote the interests of education in that district.

Fifth: To employ, and, for cause, to dismiss teachers and janitors; to determine the length of time over and above eight (8) months that school shall be maintained: *Provided*, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; to fix the time for annual opening of schools and for the daily dismissal of primary pupils before the regular time for closing schools.

Sixth: To employ a business manager, attorneys, an architect, inspectors of construction, superintendents of buildings and janitors, and a superintendent of supplies and other employees, and to prescribe their duties and fix their compensation.

Seventh: To employ, and for cause dismiss one or more assistant city superintendents and to define their duties and fix their compensation.

Eighth: To employ, and for cause dismiss, supervisors of instruction, and to define their duties and fix their compensation.

Ninth: To maintain a shop and repair department, and to employ a foreman and the necessary help for the maintenance and conduct thereof.

Tenth: To provide free text books and supplies for all children attending school, when so ordered by a vote of the electors; or if the free text books are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

Eleventh: To require of the officers or employees of the district to give a bond for the faithful discharge of their duties in such penal sum as

may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district.

Twelfth: To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

Thirteenth: To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district; he or authorized deputies shall make inspections of each school in the district and report the condition of the same to the board of education and board of health: *Provided, however,* That a parent or guardian having control or charge of any child enrolled in any public school in districts of the first class of the state may file annually with the principal of the school in which he is enrolled, a statement in writing, signed by such parent or guardian, stating that he will not consent to the physical examination of his child, and thereupon such child shall be exempt from any physical examination: *Provided, further,* That whenever such practicing physician or graduate nurse shall in good faith have reason to believe that such child is suffering from a contagious or infectious disease, such child may be examined for such contagious or infectious disease and if found so infected shall be sent home and such parent or guardian shall be notified of the reason therefor, and then such child shall not be permitted to return to school until the school authorities are satisfied that such child is not suffering from such contagious or infectious disease, and: *Provided, further,* That no child shall be required to

submit to vaccination without the written consent of his parent or guardian, and: *Provided further*, That no form of vaccination, inoculation or other medication shall hereafter be made a condition precedent in this state for admission to or attendance in any public school maintained by a district of the first class or for the employment of any person as teacher in any such school or in any other capacity in connection therewith: *Provided, further*, That no provision of this act shall be construed as preventing the quarantining or exclusion of persons suspected of having, or who have been exposed, to contagious diseases.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 176.

[S. B. 193.]

### PARTY CONVENTIONS.

AN ACT relating to the nomination of candidates for public office, the holding of party conventions, the election and powers of party committees, and amending sections 4807, 4809 and 4826 of Remington and Ballinger's Annotated Codes and Statutes of Washington, and providing penalties for its violation.

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

SECTION 1. That section 4826 of Rem. & Bal. Code be amended to read as follows:

Section 4826. (a) The Precinct Committeemen of each party entitled to participate in the September primaries shall be elected at the September primaries. Any elector duly registered to vote in his precinct may file, at a cost of \$1.00, with the county auditor, a declaration of candidacy for precinct com-

Election of  
committeemen, party  
powers.

mitteemen for the party only with which he is duly registered, and for the election precinct in which he resides. Said filing shall be in all respects and follow the form provided in section 15 of this act, and be governed by its provisions. The name of such candidates so filing for precinct committeemen shall be printed or stamped upon the ballot provided for in section 4813 of Rem. and Bal. Code: *Provided*, That nothing herein contained shall prevent any voter from writing in on the ticket the name of one qualified registered elector of the precinct, for member of the party committee of the party with which said elector is registered. The one having the highest number of votes shall be such committeeman of such party for such precinct: *Provided*, That the auditor shall determine all cases of ties as provided by the primary election laws of this state. The county auditor shall certify to each county committee the names of the duly elected committeemen of that party, on or before the Monday following the said primary election.

(b) The party committee of each county shall consist of the precinct committeemen from the several precincts of such county. The state committee shall consist of one committeeman from each county, elected by the county committee: *Provided*, That the state committee of each party may, by resolution duly passed, provide for the election of the state committeemen of each county by the county convention to be held in accordance with the provisions of this act. The county committee shall meet for the purpose of electing the state committeemen, and for the purpose of organization, at the court house at the county seat of each county at two o'clock P. M. on the second Saturday after the primary election, unless some other time and place of such meeting shall be designated by a regular call of the properly

authorized officers of the retiring committee. The county auditors of the various counties shall issue certificates of election to the said committeemen as is provided in the case of other primary nominations.

(c) Each county committee shall have power to make its own rules and regulations, to call conventions, to provide for the election of delegates to such county conventions, to fill all vacancies on the ticket, to delegate the whole or any part of its functions to duly authorized and elected officers or committees, and to perform all other functions regularly inherent in such organizations for political purposes, the same as though this act had not been passed.

(d) The state committee shall have the power to make its own rules and regulations, to call conventions, state, district and national, to provide for nominating presidential electors, to fill all vacancies which may occur on the ticket, to delegate the whole or any part of its functions to duly authorized and elected officers or committees, and to perform all other functions usually inherent in organizations for political purposes.

County and  
state  
conventions.

SEC. 2. Hereafter, each political party of this state, entitled under the existing laws to participate in the September primaries, shall hold county and state conventions prior to May 15, and June 15, respectively, of 1922, and each biennial year thereafter. Each county party committee at a meeting duly called and held not more than thirty (30) days nor less than ten (10) days before the holding of the party primary for the selecting of delegates to the county conventions, as hereinafter provided, shall determine the date, the hour and the place of holding the county convention, determine the total number of delegates to be elected thereto, fix the basis

of representation in each precinct, which basis shall be the same for each voting precinct in said county, and determine the number of delegates from each voting precinct: *Provided*, That each voting precinct shall be entitled to at least one delegate. The said list, matters, and things herein provided for, shall thereupon be filed in the office of the county auditor, without charge, duly certified by the chairman and secretary of each party, within three days after the holding of said meeting. Not less than ten days' notice of the time and place of holding the county convention shall be given through the press of the county by the county executive officers of each party.

SEC. 3. Delegates to county conventions of each party shall be selected in pursuance of the rules and regulations passed by the party committee of each respective county in conformity to this act. Such rules must cover at least: First, the date, the time and place of holding the elections in the precincts and the hours between which the polls are to be kept open: *Provided*, That the date of holding such party precinct elections shall be at least five days prior to the holdings of the county conventions, and: *Provided further*, That the polls shall, in all cases, be kept open for a period of at least two hours, between one o'clock P. M. and eight o'clock P. M. on the day on which the election is to be held. Second, reasonable and proper provision must be made for judges or officers at such election, to be qualified voters of the precinct for which they are designated and registered with the party. Third, the qualifications required for voters in order to participate in such party election of delegates: *Provided*, That if the right of any voter to vote is challenged, such voter shall be required to make an affidavit, which may be administered by any of the officers of the

Delegates  
to county  
conventions.

said election, to the fact that he is a qualified voter of said precinct and complies with the qualifications enabling him to participate in such party election of delegates and intends to support and vote for the party nominees at the ensuing general election. Fourth, the method and manner of making returns of the said party election of delegates to the county party committee. Fifth, the manner of giving the notice in each precinct of the time, place and hours of holding the said precinct party election.

Notice of  
election.

SEC. 4. At least ten days prior to any such election of delegates to a county convention, there shall be published in one or more newspapers of general circulation in the county, in and for which such party election is to be called, a notice which must state the time, place or places of such election, the date, the number of delegates to be selected from each precinct, and a general statement of the manner and conditions of holding such election, and the authority by which the call for which such election is published by such county committee. Likewise there shall be posted, at least ten days prior to such election, in at least one public place in each precinct, a notice signed by the chairman or secretary of the county committee, calling such election, and which notice must also state in brief the date and place of such election and the number of delegates to be selected from such precinct.

Election  
board.

SEC. 5. The qualifications and duties of judges and officers of the party election, designated by such county committee, and their organization for the purposes of conducting such election, shall be the same as those provided in the general election, in so far as the same may be reasonably applicable; and such election officers shall have the power to administer oaths and the right to question any voter as to his party affiliation and intention to support

the nominees of the party at whose party election he is proposing to vote. In case the judges or officers designated by the county committee fail to attend, the voters present may select others in lieu of such as fail to attend.

SEC. 6. The ticket to be voted at said party election may be either printed or written, or partly printed and partly written.

Ticket.  
Poll list.

SEC. 7. It shall be the duty of one of the officers of each party election board to keep a list of the names of all persons voting at such election, numbered in order of their voting; and the said board shall, immediately upon the closing of the polls proceed to canvass the vote, publicly, and shall deliver the tabulated returns to the county party committee, showing the names of all persons voted for and the number of votes cast for each person, and certify the same to be correct, which certificate shall be attested by the officer of said party election. The chairman of the party election board shall preserve the ballots cast and the list of names of those voting at such election, for a period of at least fifteen (15) days: *Provided, however,* That in case of a contest of the election in any precinct, the said chairman shall deliver said ballots and the said list to the secretary of the county committee upon his demand.

SEC. 8. Before receiving any ballots the officers of said party election, in the presence of all persons assembled at the respective precinct polling places, shall open and exhibit the ballot box, so that no ballots shall be therein at the time the polls are open, and thereafter said ballot box must not be removed from the polling places by any person, nor from the view of the by-standers, until all the ballots are counted, nor must it be opened for the purpose of counting the votes until the polls are closed.

Ballot box.

County  
delegates,  
duties.

SEC. 9. The delegates elected to county conventions provided for in this act shall assemble in their respective counties on the date fixed by the county committee calling for the election of such delegates, at the hour and place named by such committee. In addition to the usual powers exercised by county conventions, each county convention shall adopt a platform, select the number of delegates to the state convention provided for in the call of the state committee, and shall select one member of a state advisory platform committee.

Scope of act.

SEC. 10. The provisions of this act shall not apply to special elections for filling vacancies for unexpired terms, or to any city, town or school, dike, waterway, port, or metropolitan park district, or any local improvement district election; nor shall the provisions of this act apply or be made applicable in any way to any party casting less than ten per cent (10%) of the votes for candidates for Governor at the last preceding general election; nor shall the provisions of this act be considered as repealing any existing statutes of this state providing for the selection of delegates to county conventions where any party committee elects by resolution to accept the provisions of existing laws in the manner provided by existing law.

Platform  
advisory  
committee.

SEC. 11. It shall be the duty of the members of the platform advisory committee, as provided for in this act, to meet at the place of holding the state convention at ten (10) o'clock A. M. on the second day preceding the holding of the said state convention, and shall hold public hearings and submit to the state convention an advisory platform.

State  
convention.

SEC. 12. It shall be the duty of the state committee of each of the political parties entitled to hold conventions under this act, to issue a call for their state conventions, specifying the time and place of

holding the conventions, and which call shall be issued not less than thirty (30) days before the holding of the party election for selection of delegates to county conventions, by giving due notice thereof through the press and by mailing a copy of said call to each state committeeman, and to the executive officers of each of the county organizations of that party, and to the county auditor of each county. The state committee, in its call, shall determine upon the total number of delegates to attend the state convention, and shall fix the basis of representation for, and the number of delegates from, each county: *Provided, however,* That the basis of representation for each county shall be the same and that each county shall be entitled to at least one (1) delegate. No proxies shall be allowed in any conventions provided for in this act, and it is further provided that no convention held under the provisions of this act shall make endorsements of the candidacy of any person for either U. S. Senatorial, Congressional, state or county office. In case the state committee of any such party should fail or neglect prior to May first of any even numbered year to issue a call for a state convention for such party, then a state convention of such party for the purposes outlined in this act shall be held upon the petition of one hundred electors, filed with the secretary of state, and which petition shall set forth the manner, method and conditions of holding such state convention: *Provided, however,* If such convention is called under such petition, the date of such convention shall be the first Thursday of June of such year.

SEC. 13. It shall be the duty of the state conventions of each of the parties required to hold conventions as herein provided, to adopt a platform and to make a clear and concise statement of its

Powers  
and duties.

principles and its general legislative program. In addition thereto, the said state conventions shall have the powers and perform the duties usually held and performed by state conventions; and shall have the power to nominate the presidential electors to which the said state shall be entitled, and the names of which said electors shall be printed under the party designation on the ballots to be used in the succeeding general election.

SEC. 14. That section 4809 of Rem. & Bal. Code be amended to read as follows:

Separate  
tickets.

Section 4809. Any political organization which at the general election last preceding the primary, was represented on the official ballot, either by regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received 10% of the total vote cast at such last preceding general election in the state, or subdivisions thereof, in which the candidate seeks the nomination: *Provided*, That such political party shall have held on or before the 15th day of June preceding said primary, a state convention in said state, at which convention said party shall have declared its political principles and its legislative program: *And provided, further*, That a copy of such declaration of political principles and legislative program shall have been signed by the officers of such convention and filed with the secretary of state within ten (10) days after the adjournment of such convention.

SEC. 15. That section 4807 of Rem. & Bal. Code be amended to read as follows:

Declaration  
of candidacy.

Section 4807. The name of no candidate shall be printed upon an official ballot used at any primary election unless at least thirty (30) and not more

than sixty (60) days prior to such primary, a declaration of candidacy shall have been filed by him, as provided in this act, in the following form:

I, ....., being first duly sworn, declare that I reside at No.....Street..... (city or town) of..... County of..... State of Washington, and am a qualified voter therein, and am duly registered with and am a member of the.....party; that I hereby declare myself a candidate for nomination to the office of .....to be made at the primary election to be held on the.....day of....., and hereby request that my name be printed upon the official primary ballot as provided by law as a candidate of the.....party, with which party I have either affiliated for at least two years last past or since gaining the right of suffrage, and in the principles of which I believe, and I accompany herewith the sum of.....dollars, the fee required by law of me for becoming such candidate. I further declare that if nominated for said office I will accept said nomination and not withdraw, unless so authorized by my party committee, and I will qualify as such officer if nominated and elected. I further declare that I hereby accept and endorse the platform as heretofore adopted by the..... party, at its last state convention. If elected, I hereby agree to support the same generally, and endeavor to have enacted into law the principles therein enunciated.

.....  
Subscribed and sworn to this.....day of  
.....192...

.....  
*Provided*, That no person who desires to become a candidate for the office of supreme or superior court judge shall certify his party affiliations.

Violations.

SEC. 16. Any person knowingly violating any of the provisions of this act, or making any false return or certificate, or knowingly making false canvass of the votes, or doing any other act for the purpose of preventing fair election of delegates, or for the purpose of falsifying any of the returns provided for in this act, shall be guilty of a misdemeanor.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

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## CHAPTER 177.

[S. B. 194.]

### REGISTRATION OF VOTERS AND PRIMARY ELECTIONS.

AN ACT relating to primary nominations, and to registration of voters and amending sections 4815, 4757, 4762, 4763, 4765, 4767 and 4768 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That Section 4815 of Rem. & Bal. Code be amended to read as follows:

Section 4815. Every qualified person, properly registered as a voter in his election precinct, shall be entitled to participate in the primary election. When he desires to vote at said primary each elector shall have the right to receive the ballot only of the party with which affiliated as shown on the registration books; and he shall, if challenged, be required to make oath or affirmation that he intends to affiliate with said party at the ensuing election and intends to support its candidates generally. Thereupon he shall retire to one of the booths and without undue delay mark the ballot received by him and fold it so that its face shall be concealed. He shall thereafter

Party  
ballots,  
method of  
voting.

deliver said ballot received by him to the election officers. In the event said voter shall soil or deface the ballot he desires to vote he shall at once return the ballot received by him and get a new ballot and the election officers shall destroy or render unfit for use the ballot so returned. The elector shall designate his choice on his ballot by making a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be elected.

SEC. 2. That Section 4757 of Rem. & Bal. Code be amended to read as follows:

Section 4757. There shall be in 1922 and biennially thereafter to continue for two years, in incorporated cities and towns and quadrennially thereafter to continue for four years outside such cities and towns, except as hereinafter provided, in each precinct of the state, a new and complete registration of the legal voters therein. Such registration shall begin on the 2nd day of January of such year, and the registration books shall be open for the registration of voters at all times except during the twenty days immediately preceding any general state or county or general municipal election or any primary election of any nature or any special municipal election, except as hereinafter provided.

Registration  
of voters.

SEC. 3. That Section 4762 of Rem. and Bal. Code be amended to read as follows:

Section 4762. It shall be the duty of the comptroller or clerk of any incorporated city or town to procure and open for the registration of voters, duplicate poll books on the 2nd day of January, 1922, for each precinct of such city or town; and on the 2nd day of January of each biennial year thereafter to

Books for  
registration,  
when open.

procure and open like books of registration for each of said precincts; and it shall be the duty of the board of county commissioners of each county, on the 2nd day of January, 1922, and quadrennially thereafter, in like manner to procure and open a poll book for the registration of voters in each precinct of such county outside of incorporated cities or towns, and to designate a legal voter in each of said precincts, to be the registration officer in such precinct whose duties shall be the same as those devolving upon the city or town clerk of incorporated cities or towns under the provisions of this act: *Provided*, That the board of county commissioners of any county may, for the convenience of voters, designate a legal voter of such county at some convenient place to be the registration officer for one or more such precincts outside of incorporated cities and towns.

SEC. 4. That Section 4763 of Rem. & Bal. Code be amended to read as follows:

Poll books,  
where kept.

Registration  
officer.

Section 4763. Such poll books shall at all times, except as herein otherwise provided, be kept in the office of such city or town clerk or precinct registration officer of such city, town or precinct; and the city or town clerk, and the person designated by the board of county commissioners as herein provided, shall be the registration officer of such city, town or precinct, and it shall be his duty to register all legal voters of such city, town or precinct on such poll books, as hereinafter provided: *Provided*, That in all cities of the first class, the city council may, by ordinance or resolution, direct that in all or certain of the precincts of such city, designated in such ordinance or resolution, the poll books of such precincts shall be kept open in such precincts for the registration of voters thereof, at and during such time as shall be designated in such ordinance or resolution. It shall be the duty of the city clerk, in cities of the first class, to designate by the notice required by

Section 4765 the time and place where the registration poll books for each precinct so designated by ordinance or resolution will be open in such precinct for the registration of voters of such precincts; and the city clerk shall provide for the precinct books in charge of an officer of registration to be kept at the place and kept open for the registration of voters qualified to register, between the hours of 9 a. m. and 9:30 p. m. on the days designated in said published notice: *Provided, further*, That in precincts outside of incorporated cities or towns, the registration officer of any such precincts, may, with the written consent of the county auditor, during the time such poll books are kept open for the registration of voters therein, for the convenience of the voters, and at such time or times and by giving such notice of his intention so to do, as he may deem expedient, designate some centrally located place in addition to the usual place where such poll books are kept, where the said poll books will be kept open for the registration of voters of such precincts.

SEC. 5. That Section 4765 of Rem. & Bal. Code be amended to read as follows:

Section 4765. It shall be the duty of the city or town clerk of each incorporated city or town, beginning the first week in January, 1922, and biennially thereafter, and of the county auditor of each county, beginning the first week in January, 1922, and quadrennially thereafter, to cause to be published in a newspaper of general circulation in such city, town or county, for two successive weeks, a notice that the legal voters of said city, town or county can register at the office of the said city or town clerk, or at the residence of the registration officers of the precincts of said county outside of incorporated cities and towns; and if in a city of the first class, in each precinct, at a place which has been designated by the city council, during the time desig-

Notice for  
registration.

nated in such notice: *Provided*, That the notices to be given by the county auditor shall refer only to precincts outside of incorporated cities or towns and shall in addition give the name of the registration officer of each precinct outside of such incorporated cities or towns, together with his place of residence, as near as may be.

SEC. 6. That Section 4767 of Rem. & Bal. Code be amended to read as follows:

Section 4767. The registration books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads, as follows: Date of registration; voted; names; ages; occupation; place of residence; place of birth; time of residence in the state, county ward and precinct; whether a taxpayer of the state of Washington; political faith; if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization. Column head "Signature" for a signature of voter at time of registering and another and similar column immediately following, headed "identification" for the signature of the voter in case he be challenged when he offers to vote, and a column for "remarks." If the voter registering is of foreign birth, he shall at the time of registering be questioned by the registration officer, and shall produce satisfactory evidence to the registration officer, that he was at the time of the adoption of the constitution of the state of Washington, a qualified elector of the state, or that he is a naturalized citizen of the United States (in which latter case he shall be required to produce satisfactory evidence to the registration officer of his naturalization, unless the said officer shall know of his own knowledge that such voter is in fact a naturalized citizen), or if a woman of foreign birth that she has married a citi-

Registration  
books,  
arrange-  
ment.

zen of the United States. Under the head of place of residence shall be noted the number of lot and block, or number and street where the applicant resides, or some other definite description sufficient to locate and establish the residence with reasonable certainty; and the voter so registered as provided in this act shall sign his name in each of the duplicate poll books to be procured and opened for the registration of voters in the precincts of incorporated cities and towns or in the poll book to be procured and opened for the registration of voters in each precinct outside such incorporated cities or towns as provided by this chapter on the registry opposite the entry above required, in the column headed "signature," unless he is a qualified elector at the time of the taking effect of this act and shall not be capable of writing his name, or in case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally knows said voter, and who is personally known to the registration officer, and who is capable of writing his name, shall sign in said column immediately opposite said mark, as an identifying witness thereto.

At the time of registering, each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the column headed "Political Faith." If the elector declines to state his political party the fact of such declination shall likewise be stated and no person shall be entitled to vote the ticket of any political party at any primary election, by virtue of such registration, unless he has stated the name of the political party with which he intends to affiliate at the time of such registration. In cases of transfer of

Declaration  
of political  
faith.

registration the same entry shall be made in the column headed "Political Faith" as was made in the original registration: *Provided, however,* That any person registered outside any incorporated city or town, may change his political affiliation, one time, by re-registering after any biennial general election.

SEC. 7. That Section 4768 of Rem. & Bal. Code be amended to read as follows:

Registration,  
application  
for,  
affidavit.

Section 4768. No person shall be registered unless he appears in person, before the city or town clerk, or officer of registration at the place where the registration books are kept during office hours and apply to be registered, and give his name, age, occupation, number and place of residence, place of birth, time of residence in the state, and county, and ward, and precinct, and furnish satisfactory evidence to said registration officer that he is capable of reading and speaking the English language, so as to comprehend the meaning of ordinary English prose, unless he is incapacitated through physical infirmities, in which case he shall furnish satisfactory evidence that he was before such infirmity capable of reading and speaking the English language, unless such person so offering was a qualified elector at the time of the taking effect of this act, in which case the provisions with reference to reading and speaking the English language shall not apply; and shall furnish to said officer all the facts required by this act to be stated, and in addition thereto shall make and subscribe to the following oath or affirmation:

State of Washington, }  
County of . . . . . } ss.

I, . . . . . do solemnly swear (or affirm) that I am a person over twenty (20) years eleven (11) months and ten (10) days of age, that I am a native born or naturalized citizen of the United States, or was a legal elector of the territory

of Washington at the time of the adoption of the constitution of the state of Washington; that I have been an actual, permanent resident of the state of Washington for eleven (11) months and ten (10) days last past, of the county of..... for seventy (70) days last past and of the..... precinct ten (10) days last past; that I have not lost any civil rights by being convicted of an infamous crime; that I was either a qualified elector on the 1st day of July, 1901, or that I can read or speak the English language; that I have not registered during the present biennium (or quadrennium) in any other precinct except as herein set down by the officer of registration; that my answer in the column headed "Political Faith" is true and correct; that I have read or heard read, the statements preceding my name herein, as set down by the officer of registration, know the contents thereof and believe the same to be true.

.....  
 Subscribed and sworn to before me this.....  
 day of....., 19.....

.....  
 (Official character.)

The said affidavit shall be bound in book form and preserved with the other records of the city, town or precinct.

And every registration officer when required so to do by a writ of mandate of a court of competent jurisdiction, shall register the voter as directed by said writ.

- Passed the Senate March 1, 1921.
- Passed the House March 8, 1921.
- Approved by the Governor March 19, 1921.

## CHAPTER 178.

[S. B. 195.]

## ELECTIONS.

AN ACT relating to elections and amending sections 4798, 4799, 4802, 4811, 4824, 4825, 4910-7, 4911 and 4913 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4798 of Rem. & Bal. Code be amended to read as follows:

Certificates  
of nomination,  
preservation.

Election  
precincts.

Section 4798. The Secretary of State and the clerks of boards of county commissioners of the several counties, and of the several municipal corporations, shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this act. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this act divide their respective counties into election precincts, and establish the boundaries of the same. Such board of county commissioners shall designate one voting place for each precinct and each precinct shall contain two hundred and fifty electors or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at a regular meeting, between general election day and December 31st of the same year, divide such precinct as nearly as possible so that the new precincts formed thereof

shall each contain two hundred and fifty electors, or less: *Provided*, That in cities of the first class, the duties herein conferred upon the county commissioners shall be performed by the city council or commissioners of such city and reports of inspectors herein provided for shall be made to such city council or commissioners. In establishing precincts it shall be the duty of the county commissioners and city councils and commissioners to fix the boundaries thereof so that each precinct shall be wholly in one senatorial or representative district, and one county commissioner's district.

SEC. 2. That section 4799 of Rem. & Bal. Code be amended to read as follows:

Section 4799. Certificates of nomination to be filed with the Secretary of State shall be filed not more than sixty days, and not less than thirty days before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the clerk of the board of county commissioners shall be filed not more than sixty days, and not less than twenty days before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the clerks of the respective municipal corporations not more than thirty days and not less than ten days previous to the day of election: *Provided*, That the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise.

Certificates  
of  
nomination,  
filing.

SEC. 3. That section 4802 of Rem. & Bal. Code be amended to read as follows:

Section 4802. Whenever any person nominated for public office, as in this chapter provided, shall at least twenty days before election, except in the case of municipal elections, in a writing signed by him, notify the officer with whom the certificate

Declination  
of nomina-  
tion.

nominating him is by this chapter required to be filed, that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least ten days before the election.

SEC. 4. That section 4811 of Rem. & Bal. Code be amended to read as follows:

List of  
candidates.

Section 4811. First—At least twenty days before any September primary the Secretary of State shall transmit to each county auditor a certified list containing the name, postoffice address and party designation 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.

Publication.

Second—Each county auditor shall, at least fifteen days before the September primary, publish once, under the proper party designation and title of each office, the names and addresses of all persons for whom nomination papers have been filed in so far as the same shall affect the electors of his county, giving the date of the primary, the hours during which the polls will be open, and that the primary will be held in the regular polling place for each precinct, and shall cause to be posted copies of such notice in at least three public places in each precinct in his county: *Provided*, That the names of all candidates for the offices of supreme and superior court judge shall be published and posted in a separate list without party designation.

SEC. 5. That section 4825 of Rem. & Bal. Code be amended to read as follows:

Returns.

Section 4825. In making out the returns of the primary election in the several election precincts, the same shall be done and all matter pertaining thereto conducted in accordance with the provisions of the general election laws for the returns of general elections.

SEC. 6. That section 4910-7 of Rem. and Bal. Code be amended to read as follows:

Section 4910-7. Within a proper and reasonable time before the first election at which voting machines are to be used, the Secretary of State shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or official in charge of the election of each county, city, township or district in which the machines are to be used; such samples to meet the requirements of the election to be held and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the custodian for testing and preparing the voting machines for the election; one certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing a voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of the machine, the number

Voting  
machine,  
printed  
matter and  
supplies.

shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector of election; one envelope in which the keys to the voting machine can be returned by the inspector of election; one card stating the name and telephone address of the custodian on the day of election; one statement of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election, said statements of canvass to take the place of all tally-keepers, statements and returns as provided heretofore; three complete sets of ballot labels; two diagrams; five suitable printed instructions to the inspector of election; three notices to inspectors and judges of election to attend the instruction meetings; three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine and they may supply a sufficient number of extra ballots for use in case it shall be impossible to make use of the voting machine in any such precinct or precincts.

The ballot labels shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine: *Provided, however,* The ballot labels for questions may contain a condensed statement of each question to be voted on, accompanied by the words "Yes" and "No"; the titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candidate can be voted for an office, there shall be printed below the office title the words "vote for any

two," or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine at least five lists of the names of the presidential electors nominated and at least fifty paper ballots with which the voter can vote thereon for part of the candidates for the office of the presidential electors of one party and part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election districts in which voting machines are to be used no paper ballots shall be furnished for any offices to be voted for on the machine except as hereinafter provided.

SEC. 7. That section 4911 of Rem. & Bal. Code be amended to read as follows:

Section 4911. At all elections where national, state, county or municipal officers are elected, the polls shall be opened at eight o'clock a. m. and closed at eight o'clock p. m.

Hours polls  
are to be  
open.

SEC. 8. That section 4913 of Rem. & Bal. Code be amended to read as follows:

Section 4913. It shall be the duty of the auditors of the several counties to furnish the inspectors of each election precinct at all general or primary elections with one poll book at least five days before the time of holding the election.

Furnish  
poll books.

Passed the Senate March 1, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 19, 1921.

## CHAPTER 179.

[S. B. 198.]

## PORT DISTRICTS.

AN ACT relating to port districts and amending sections 8165-5 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 125 of the Session Laws of 1917, and sections 8165-12 and 8165-13 of Remington and Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 8165-5 of Rem. & Bal. Code, as amended by section 2 chapter 125 of the Session Laws of 1917, be further amended to read as follows:

Section 8165-5. Port Commissioners-Organization-Contracts.

All port commissioners shall serve without compensation save and except in port districts having a population of two hundred thousand (200,000) or more inhabitants, and in such port districts each commissioner shall receive a compensation of three thousand dollars (\$3,000.00) per annum, said compensation to be paid monthly out of the funds of the port district, in the same manner as are the salaries of the employees of the port district, the population of a port district to be fixed and determined by the last official census of the United States for the purposes of this section. The foregoing provision relating to compensation of port commissioners is subject to the following proviso: The question of whether port commissioners in port districts having a population of two hundred thousand (200,000) or more inhabitants shall receive compensation as herein provided shall be submitted at the first general election after the organization of any

Commissioners,  
organization,  
contracts.

port district having said population of two hundred thousand (200,000) or more inhabitants, or in the case of any port district already established and having said population then at a special election of the said port district at the time of the next general county election in the county in which said port district is located, held after the taking effect of this act. There shall be printed on the ballot at such election the words "In favor of compensation for port commissioners in the sum of three thousand dollars (\$3,000) each per annum," and the words "Against compensation for port commissioners in the sum of three thousand dollars (\$3,000.00) per annum." If at such election the majority of the voters voting on said proposition shall vote in favor of such compensation, the port commissioners of such port district shall receive compensation in the sum of three thousand dollars (\$3,000.00) per annum as provided herein and in any case where a port district with a population of two hundred thousand (200,000) or more inhabitants is in existence at the time this act becomes effective and such port district votes for a compensation as hereinbefore provided, the port commissioners of such district elected and serving shall begin to receive compensation with the calendar month succeeding the month in which the vote is taken. But if such proposition shall fail to receive the approval of the majority of those voting therein, compensation shall not be paid unless the same be favorably voted upon in the manner provided herein at some succeeding election: *Provided, however,* That the question of compensation of port commissioners may not be submitted at more frequent intervals than periods of four years. The port commission shall organize by the election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All

proceedings of the port commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records. The county treasurer of the county in which such port district is situated shall be the treasurer of the port district, and all funds of the port district shall be paid to him as such port treasurer and shall only be disbursed by him on warrants drawn and signed by a port auditor to be appointed by the port commission, upon order of or vouchers approved by the port commission. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials required by the port district may be purchased in the open market or by contract, and all work ordered may be let by contract or done by day labor as the port commission may determine. Before awarding any contract the port commission shall cause to be published in some newspaper within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications for which must at the time of publications of such notice be on file in the office of the port commission subject to public inspection: *Provided, however,* That the port commission may at the same time and as part of the same notice, invite tenders for such work or material upon plans and specifications to be submitted by the bidder. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the commission on or before the day and hour named. Each bid shall be accompanied by a certified check payable to the order of the port commission for a sum not less than five per cent of the amount of the bid, and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the

commission shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications. If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in such case all checks shall be returned to the bidders; but if such contract be let, then in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to the commissioners, in an amount to be fixed by the commission, but not in any event less than twenty-five (25) per cent of the contract price. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the port district.

SEC. 2. That section 8165-12 of Rem. & Bal. Code be amended so as to read as follows:

Section 8165-12 Funds in Anticipation of Revenues. Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the district in anticipation of the revenues to be derived by such district and such warrants shall be redeemed from the first money available from such taxes when collected.

Indebtedness  
in anticipa-  
tion of  
revenues.

SEC. 3. That section 8165-13 of Rem. & Bal. Code be amended to read as follows:

Section 8165-13 County Treasurer—Funds. The county treasurer acting as port treasurer shall cre-

Funds.

ate a fund to be known as the "Port of . . . . . Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and shall also maintain such other special funds as may be created by the port commission into which shall be placed such moneys as the port commission may by its resolution direct. All such port funds shall be deposited with the county depositories under the same restrictions, contracts and security as is provided by statute for county depositories and all interest collected on such port funds shall belong to such port district and shall be deposited to its credit in the proper port funds.

Passed the Senate March 4, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 21, 1921.

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## CHAPTER 180.

[S. B. 201.]

### FISHERIES.

AN ACT relating to fisheries, providing for the preservation, protection and perpetuation of food fishes, amending sections 43, 48, 58, 65, 73, 82, 88, and 96 and repealing section 98 of chapter 31 of the Laws of 1915, and declaring that this act shall take effect March 31, 1921.

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

SECTION 1. That section 43 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 43. No license for taking or catching salmon or other food or shell fish required by this act shall be issued to any person who is not a citizen of the United States of the age of eighteen years or over, unless such person has declared his intention to become a citizen, and is and has been an actual

Licenses,  
who not  
entitled to.

resident of the state for one year immediately preceding the application for such license. Nor shall any license be issued to a corporation unless it is authorized to do business in this state. Nothing herein contained shall be construed to prevent the issuance of licenses to Indians, providing such applicant possess the qualifications of residence hereinbefore required, nor prevent the renewal of licenses for fixed appliances by persons now holding the same; and on and after January 1, 1922, no license for the taking or catching of salmon or other food or shell fish, required by this act, shall be issued to any person who is not a citizen of the United States, or to any Indian not born in the United States, or to any corporation unless the holders of a majority of its stock are citizens of the United States: *Provided*, That corporations authorized to do business in this state and holding fishing licenses on January 1, 1922, shall be entitled to licenses and to the renewal thereof from time to time and shall be unaffected by the provisions of this section.

SEC. 2. That section 48 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 48. All license fees, catch taxes and other taxes, fines and moneys realized from the sale of property seized or confiscated under the provisions of this act, and all bail monies forfeited under prosecutions instituted under the provisions of this act, and all monies realized from the sale of any of the property of the state of Washington, under the control of the department of fisheries and game, and all monies collected for damages and injuries to any such property, shall be paid into the state treasury and placed in the fund known as the "fisheries fund," which shall not be used for any purpose other than for the propagation, protection and perpetuation of food and shell fishes, and the administration and enforcement of the laws relating thereto.

"Fisheries  
fund."

All unexpended balance thereof shall continue in such fund, unless otherwise disposed of by the legislature. The director of fisheries and game is directed to expend such funds, as nearly as may be, in the localities from which they are 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 the same to the state treasurer and shall at the same time furnish a statement to the director of fisheries and game showing the amount of fines so remitted and from whom collected.

SEC. 3. That section 58 of chapter 31 of the Laws of 1915 be amended to read as follows:

Right to take fish for sale limited to citizens.

Section 58. It shall be unlawful for any person to fish or take for sale or profit any salmon or other food or shell fish in any of the rivers or waters of this state or over which it has concurrent jurisdiction in civil and criminal cases, unless such person be a citizen of the United States or has declared his intention to become such and is and has been for twelve months immediately prior to the time he engages in such business an actual resident of this state or an adjoining state; but this section shall not apply to Indians.

SEC. 4. That section 65 of chapter 31 of the Laws of 1915 be amended to read as follows:

Closed season, violations.

Section 65. It shall be unlawful for any person, firm or corporation to purchase, handle, deal in or have in his possession any food fish of any variety which were taken from the waters of this state during any of the closed seasons prescribed in this act, or which may hereafter be prescribed by the state fisheries board, and any person who purchases, handles, deals in or has in his possession any such

fish during such periods, shall be guilty of a misdemeanor. And it shall be unlawful for any person, firm or corporation to purchase, handle, deal in, or have in his possession, any salmon fish of any variety which were taken beyond the three-mile limit during any of the closed seasons prescribed in this act or which may hereafter be prescribed by the state fisheries board. Any of the salmon, which were lawfully taken in any of the districts of this state, as by this act defined, may be shipped into any other district of this state, even though the taking of salmon in the district into which the shipment is made, may be prohibited at the time said shipment is made.

SEC. 5. That section 73 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 73. It shall be unlawful for any person whomsoever, save the director of fisheries and game and those authorized by him, to take salmon or other fish for propagation purposes within the waters of this state. The director of fisheries and game or those authorized by him may take salmon or other fish at any time and in any manner for propagation or scientific investigation purposes. He may grant authority to take salmon for public propagation purposes under such regulations as he may prescribe to safeguard the interests of the fishery of this state.

Taking for  
propagation.

SEC. 6. That section 82 of chapter 31 of the Laws of 1915 be amended to read as follows:

Section 82. It shall be unlawful to cast or pass, to suffer or permit to be cast or passed into any waters of this state, either fresh or salt, any sawdust, planer shavings, wood pulp or other waste, lime, gas, coculus indicus, chemical substances or any refuse or waste material substance or matter at any time whatsoever deleterious to fish or shell fish: *Provided, however,* That the director of fisheries and game

Pollution of  
waters.

shall have the power to grant permits for the sawing of logs in such waters as in his judgment can be used for that purpose without injury to food or game fish.

SEC. 7. That section 88 of chapter 31 of the Laws of 1915 be amended to read as follows:

Private  
hatcheries.

Section 88. Any person, firm or corporation engaged in the business of taking fish spawn and the artificial hatching thereof, or in the raising of fry and fish therefrom, in any of the waters or streams of this state, shall be deemed to be conducting a private fish hatchery under the terms of this act. The director of fisheries and game is hereby authorized each year to sell to any person, firm or corporation engaged in the business of conducting a private fish hatchery, salmon or trout spawn to an amount not to exceed ten per cent (10%) of the eggs taken from any species at a price not to exceed two dollars (\$2.00) per thousand.

SEC. 8. That section 96 of chapter 31 of the Laws of 1915 be amended to read as follows:

Destruction  
of seals and  
sea lions.

Section 96. The director of fisheries and game shall have the power and it shall be his duty to cause his employees to kill and destroy seals and sea lions in the waters of the state of Washington, and 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 shall keep as near as possible an accurate record of the number of seals and sea lions that are so destroyed. Any person 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 three dollars (\$3.00) from any monies which may be appropriated by the Legislature for the payment of the same. All monies appropriated for such purposes by the Legislature of the state shall be expended under the direction of and upon vouchers approved by the director of fisheries and

game, who shall adopt rules and regulations providing for the proof of such killing and the surrender and destruction of the scalp of such seal or sea lion.

SEC. 9. That section 98 of chapter 31 of the Laws of 1915 be and the same is hereby repealed.

Repealing  
clause.

SEC. 10. The food fishes in the waters of the state of Washington shall be preserved, protected and perpetuated, and to that end such food fishes shall not be possessed, sold or disposed of at such times as will impair the supply thereof.

Impairment  
of supply.

SEC. 11. The state fisheries board shall have the power from time to time to make, adopt, amend and promulgate, in the manner provided by law, rules and regulations governing the possession, disposal and sale of food fishes within the state of Washington, whether taken within or without the state of Washington, fixing the times when the possession, disposal or sale of the several classes of, or all, food fishes is prohibited.

Rules and  
regulations  
authorized.

SEC. 12. The state fisheries board shall have the power to enter into contracts and agreements with the United States, or any state or territory thereof, and with any foreign government, for the purpose of securing fish or fish eggs, and for the erection and maintenance of eyeing stations, fish hatcheries, rearing ponds and other appliances for the propagation of fish within or without the territorial limits of the state of Washington; and the director of fisheries and game shall have the power, and it shall be his duty, to execute and carry out any such contracts or agreements made by the state fisheries board.

Contracts  
by fisheries  
board.

SEC. 13. This act is necessary for the support of the state government and its existing public institutions, and shall take effect March 31, 1921.

Emergency.

Passed the Senate March 3, 1921.

Passed the House March 7, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 181.

[S. B. 222.]

## PREVENTION OF CORRUPT BASEBALL PLAYING.

AN ACT relating to the playing of baseball, to prevent corrupting the game and certain participants therein, and providing penalties for the violation of the provisions of this act.

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

Offering  
a bribe.

SECTION 1. Any person who shall bribe or offer to bribe, any baseball player with intent to influence his play, action or conduct in any baseball game, or any person who shall bribe or offer to bribe any umpire of a baseball game, with intent to influence him to make a wrong decision or to bias his opinion or judgment in relation to any baseball game or any play occurring therein, or any person who shall bribe or offer to bribe any manager, or other official of a baseball club, league or association, by whatsoever name called, conducting said game of baseball to throw or lose a game of baseball, shall be guilty of a gross misdemeanor.

Accepting  
a bribe.

SEC. 2. Any baseball player who shall accept or agree to accept, a bribe offered for the purpose of wrongfully influencing his play, action or conduct in any baseball game, or any umpire of a baseball game who shall accept or agree to accept a bribe offered for the purpose of influencing him to make a wrong decision, or biasing his opinions, rulings or judgment with regard to any play, or any manager of a baseball club, or club or league official, who shall accept, or agree to accept, any bribe offered for the purpose of inducing him to lose or cause to be lost any baseball game, as set forth in the preceding section of this act, shall be guilty of a gross misdemeanor.

SEC. 3. To complete the offenses mentioned in the two preceding sections of this act, it shall not be necessary that the baseball player, manager, umpire or official, shall, at the time, have been actually employed, selected or appointed to perform their respective duties; it shall be sufficient if the bribe be offered, accepted or agreed to with the view of probable employment, selection or appointment of the person to whom the bribe is offered, or by whom it is accepted. Neither shall it be necessary that such baseball player, umpire or manager actually play or participate in a game or games concerning which said bribe is offered or accepted; it shall be sufficient if the bribe be given, offered or accepted in view of his or their possibly participating therein.

Completion  
of offense  
defined.

SEC. 4. By a "bribe" as used in this act, is meant any gift, emolument, money or thing of value, testimonial, privilege, appointment or personal advantage, or the promise of either, bestowed or promised for the purpose of influencing, directly or indirectly, any baseball player, manager, umpire, club or league official, to see which game an admission fee may be charged, or in which game of baseball any player, manager or umpire is paid any compensation for his services. Said bribe as defined in this act need not be direct; it may be such as is hidden under the semblance of a sale, bet, wager, payment of a debt, or in any other manner designed to cover the true intention of the parties.

"Bribe"  
defined.

SEC. 5. Any baseball player, manager or club or league official who shall commit any wilful act of omission or commission in playing, or directing the playing, of a baseball game, with intent to cause the ball club, with which he is affiliated, to lose a baseball game; or any umpire officiating in a baseball game, or any club or league official who shall commit any wilful act connected with his official duties for the

Acts of  
omission or  
commission by  
players,  
etc.

purpose and with the intent to cause a baseball club to win or lose a baseball game, which it would not otherwise have won or lost under the rules governing the playing of said game, shall be guilty of a gross misdemeanor.

Venue of  
of action.

SEC. 6. In all prosecutions under this act the venue may be laid in any county where the bribe herein referred to was given, offered or accepted, or in which the baseball game was played in relation to which the bribe was offered, given or accepted, or the acts referred to in section 5 committed.

Bonus or  
extra  
compensa-  
tion.

SEC. 7. Nothing in this act shall be construed to prohibit the giving or offering of any bonus or extra compensation to any manager or baseball player by any person to encourage such manager or player to a higher degree of skill, ability or diligence in the performance of his duties.

Scope of act.

SEC. 8. This act shall apply only to baseball league and club officials, umpires, managers and players who act in such capacity in games where the public is generally invited to attend and a general admission fee is charged.

Passed the Senate March 3, 1921.

Passed the House March 8, 1921.

Approved by the Governor March 21, 1921.

## CHAPTER 182.

[S. H. B. 178.]

RELATING TO COMPENSATION AND MEDICAL AID OF  
INJURED WORKMEN.

AN ACT relating to the compensation and medical and surgical care of workmen injured in extra hazardous employment, and amending sections 6604-2- 6604-3, 6604-8, 6604-10, 6604-12, 6604-17, 6604-24, 6604-33, 6604-35, 6604-45, 6604-107, 6604-108, and 6604-109 of and adding sections 6604-4A, 6604-4B, and 6604-95A to and repealing sections 6604-96, 6604-98, 6604-99 and 6604-100 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 6604-2 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-2. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being, inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra-hazardous" wherever used in this act, to-wit: factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells; gas works, water works, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power, quarries, engineering works, logging, lumbering, and shipbuilding operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric

Extra  
hazardous  
employ-  
ments.

light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads; general warehouse and storage; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra-hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risks classified in section 4.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion, or upon the application of any party interested, to declare any occupation or work to be extra hazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing, and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class in this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review by the courts within the time and in the manner specified in section 6604-20 and not otherwise.

SEC. 2. That section 6604-3 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Definitions.

Section 6604-3. In the sense of this act words employed mean as here stated, to-wit: Factories

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

in this state in any extra-hazardous work or who contracts with another to engage in extra-hazardous work. Workman means every person in this state, who is engaged in the employment of an employer coming under this act whether by way of manual labor or otherwise, and whether upon the premises or at the plant or, he being in the course of his employment, away from the plant of his employer: *Provided, however,* That if the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted, or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances as and subject to the same obligations as a workman: *Provided,* That no such employer or the beneficiaries

or dependents of such employer shall be entitled to benefits under this act unless the director of labor and industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for compensation are made. Dependent means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child under the age of sixteen years, viz: invalid child over the age of eighteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brothers, niece, nephew, who at the time of the accident are dependent in whole or in part for their support upon the earnings of the workman. Except where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included. Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act. Invalid means one who is physically or mentally incapacitated from earning. The word "child" as used in this act, includes a posthumous child, a step-child, a child legally adopted prior to the injury, and an illegitimate child legitimated prior to the injury. The words "injury" or "injured" as used in this act refer only to an injury resulting from some fortuitous event as distinguished from the contraction of disease. The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards.

SEC. 3. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as section 6604-4A as follows:

Temporary employer.

Section 6604-4A. Every employer who after June 30th, 1921, shall for the first time since June 30th, 1918, engage in any extra-hazardous work shall be known as a temporary employer, and shall remain so for the period of one year following the commencement of such work. Each temporary employer shall contribute to the accident fund on the basis of the class rate for the class or class subdivision to which he shall belong increased  $33 \frac{1}{3}$  per cent. At the end of the first year of his operations he shall cease to be a temporary employer if he has paid his aforesaid contribution into the accident fund. In each case where the accident cost to the fund for the first year's operations of any temporary employer, who shall so cease to be a temporary employer, shall not exceed his contribution, the said  $33 \frac{1}{3}$  per cent increase shall be refunded or credited to him out of the accident fund.

SEC. 4. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington a new section to be known as section 6604-4B, as follows:

County assessor to make annual list of employers.

Section 6604-4B. It shall be the duty of the county assessor in each of the counties of the state each year to make a list upon blanks to be furnished by the industrial insurance department of all employers within his county who are engaged in extra-hazardous industries as defined by this act, and to forward such list of extra-hazardous employments and industries to the industrial insurance department on or before the first day of May of each and every year.

SEC. 5. That section 6604-8 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-8. If any employer shall default in any payment to the accident fund or the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default be after demand, there shall also be collected a penalty equal to twenty-five per centum of the amount of the defaulted payment or payments, and the commission may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to their satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state in an action brought by the attorney general in its name shall be entitled to an injunction restraining such delinquent from prosecuting an extra-hazardous occupation or work until such bond shall be furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during said periods, and any sale, transfer or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant or lease thereto shall be invalid until all part delinquencies are made good, and such bond furnished. All actions for the recovery of such payments shall be brought in the superior court. In all cases of insolvency, receivership, assignment for the benefit of creditors, and bankruptcy, the claim of the

Vetoed  
L. F. H.

state for premiums, penalties, interest and costs, arising under this act shall be prior to all other claims except taxes, costs and expenditures ordered by the court, and laborer's liens, and it shall be the duty of the receiver, assignee for the benefit of creditors and administrator or executor to notify the industrial insurance department of such receivership, assignment or probate proceedings within thirty days from the date of their appointment and qualification and to obtain proof of service of such notification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the industrial insurance department that an audit has been made of the payroll of such employer pursuant to the direction of the department and of the amount of such payroll for the period stated in the certificate shall be *prima facie* evidence of such fact.

Vetoed  
L. F. H.

SEC. 6. That section 6604-10 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-10. No money paid or payable under this act out of the accident fund shall, prior to issuance and delivery of the warrant therefor, be capable of being assigned, charged nor ever be taken in execution or attached or garnisheed, nor shall the same pass to any other person by operation of law. Any such assignments or charge will be void: *Provided*, That if any workman shall suffer a permanent partial injury, and shall die from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman shall suffer any other injury and shall die from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time

Exemption  
of awards.

prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children and shall not leave a widow: *Provided*, If the injured workman shall have resided in the United States as long as three years such payment will not be made to any widow or child who is at the time a non-resident of the United States. Except as otherwise provided by treaty, whenever under the provisions of this act, compensation is payable to a beneficiary or dependent who is an alien not residing in the United States, the commission shall pay fifty per centum of the compensation herein otherwise provided to such beneficiary or dependent. But if a non-resident alien, beneficiary or dependent is a citizen of a government having a compensation law which excludes citizens of the United States either resident or non-resident, from partaking of the benefit of such law in as favorable a degree as herein extended to non-resident aliens, he shall receive no compensation. Proof of dependency by any beneficiary or dependent residing without the United States shall be made before the nearest (United States) consul or consular agent under the seal of such consul or consular agent and the department may cause any warrant or warrants to which such beneficiary or dependent is entitled to be transmitted to the beneficiary or dependent through the nearest (United States) consul or consular agent.

Compensation to alien beneficiary.

SEC. 7. That section 6604-12 of Remington & Ballinger's Codes and Statutes of Washington be amended to read as follows:

Section 6604-12. (a) Where a workman is entitled to compensation under this act he shall file with the department his application for such, together with the certificate of the physician who

Application for compensation.

attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

(b) Where death results from injury the parties entitled to compensation under this act, or some one in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such other proof as required by the rules of the department.

(c) If change of circumstances warrant an increase or re-arrangement of compensation, like application shall be made therefor. No increase or re-arrangement shall be operative for any period prior to application therefor.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the right thereto accrued.

(e) Any physician who fails, neglects or refuses to file a report with the industrial insurance department as required by this act within ten days of the date of treatment, showing the condition of the injured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman as required in this act, shall be guilty of a misdemeanor.

SEC. 8. That section 6604-17 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-17. Whenever the state, county, any municipal corporation or other taxing district shall engage in any extra-hazardous work, or let a contract therefor, in which workmen are employed for wages, this act shall be applicable thereto. The employer's payments into the accident fund shall be made from the treasury of the state, county, municipality or other taxing district. If said work is being done by contract, the payroll of the contractor and the sub-contractor shall be the basis of computation and in the case of contract work consuming less than one year in performance the required payment into the accident fund shall be based upon the total payroll. The contractor and any sub-contractor shall be subject to the provisions of the act, and the state for its general fund, the county, municipal corporation or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor, in turn, shall be entitled to collect from the sub-contractor his proportionate amount of the payment. Whenever and so long as, by state law, city charter or municipal ordinance, provision is made for municipal employees injured in the course of employment, such employees shall not be entitled to the benefits of this act and shall not be included in the payroll of the municipality under this act. The provisions of this act shall apply to all extra-hazardous work done by contract; the employer who lets a contract for such extra-hazardous work shall be responsible primarily and directly to the accident fund for the proper percentage of the total payroll of the work. The contractor and any sub-contractor shall be subject to the provisions of this act, and the employer shall be entitled to collect from the contractor the full amount payable to the accident fund, and the contractor in turn shall be entitled to collect from the sub-contractor his proportionate amount of the payment.

Public and  
contract  
work.

SEC. 9. That section 6604-24 of Remington & Ballinger's Annotated Codes and Statutes of Washington shall be amended to read as follows:

Management  
and  
supervision.

Section 6604-24. The director of labor and industries shall, in accordance with the provisions of this act:

1. Establish and promulgate rules governing the administration of this act.

2. Ascertain and establish the amounts to be paid into and out of the accident fund.

3. Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency.

4. Supervise the medical, surgical and hospital treatment to the intent that same may be in all cases efficient and up to the recognized standard of modern surgery.

5. Issue proper receipts for moneys received, and certificates for benefits accrued and accruing.

6. Investigate the cause of all serious injuries and report to the Governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department.

7. Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under said department.

8. Make annual report to the Governor (one of them not more than sixty nor less than thirty days prior to each regular session of the Legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund, and the statistics aforesaid.

SEC. 10. That section 6604-33 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-33. It is the intent to require the industries of the state to furnish medical, surgical and hospital care to their injured workmen and to place the expense thereof upon each industry and upon each establishment in such industry as near as may be in the proportion in which it produces injury and creates expense. To this end the division of industrial insurance shall divide the industries of the state into five classes representing five degrees in the causation of injury and consequent expense for the medical, surgical and hospital care thereof, and said classes to be designated respectively, class A, class B, class C, class D, class E. The industries shall be distributed into these classes as follows: In class C, those industries which produce nearest the average degree of causation and expense; in class A, those which produce nearest one-half of such average; in class B, those which produce nearest three-fourths of such average; in class D, those which produce one and one-fourth times such average; in class E, those which produce nearest one and one-half times such average. The director of labor and industries through and by means of the division of industrial insurance shall annually, before January 1st of each year, fix for the ensuing year, the rate which each firm shall pay into the medical aid fund, which rate may be increased or decreased, based upon the cost experience of such firm for the preceding year, within the limits of payment now existing as follows: When the accident cost to the medical aid fund of an employer be not less than 76% or more than 90% of his contribution his medical aid rate shall remain the same. When the accident cost to the medical aid fund of an employer be not less than 51% nor more than 76% of his contribution his medical aid rate shall be reduced to the next lower rate. When the accident cost to the medical aid fund of an employer be not

Classifica-  
tion of  
industries  
for medical  
aid.

less than 26% nor more than 51% of his contribution his medical aid rate shall be reduced to the second next lower rate. When the accident cost to the medical aid fund of an employer be not less than 90% nor more than 125% of his contribution his medical aid rate shall be increased to the next higher rate. When the accident cost to the medical aid fund of an employer be more than 125% of his contribution his medical aid rate may be advanced to the second next higher class.

That for the purpose of carrying out the intent of this section in merit rating and penalizing of those industries and employers in classes D and E, there be created two additional classes designated respectively as class F and class G. In class F shall be distributed those industries which produce nearest one and three-fourth times the average degree of causation and expense; in class G, those which produce nearest two times such average. Those industries and employers in classes D and E who shall be penalized as provided in this section shall be placed in class F or class G respectively for the ensuing year, as herein otherwise provided for the re-rating of classes A, B, C, D and E.

In no case shall the reduction in one year be greater than two classes and in no case shall the advance in one year be greater than two classes: *Provided*, That the annual re-rating directed herein shall not apply to establishments under contract with physicians, surgeons or owners of hospitals operating the same while such contract is in effect. From the original classification or any change made therein any employer or workman claiming to be aggrieved may upon application, have a hearing before the division of the industrial insurance upon notice to the interested parties and in the manner provided in section 6604-20, a review by the courts. The body of

interested workmen may designate in writing in duplicate one of them to be the recipient of service upon all of them, one copy to be posted for local convenience, and the other to be filed with the secretary of the supervisor of industrial insurance. In default of any such designation, service upon any one workman other than the one instituting a complaint shall be service upon all.

SEC. 11. That section 6604-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-35. Upon the occurrence, after June 30, 1917, of any injury to a workman entitled to compensation under the provisions of said section 6604, he shall receive in addition to such compensation, and out of the medical aid fund, proper and necessary medical and surgical services, at the hands of a physician of his own choice if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

Medical and surgical aid, hospital care and transportation.

In case of permanent partial disability not to extend beyond the date when compensation shall be awarded him out of the accident fund, in case of temporary disability not to extend beyond the time when the monthly allowances to him out of the accident fund shall cease, in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. But after any injured workman shall have returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund, if and as long as, such continuation is deemed by the supervisor of industrial insurance to be necessary to his more complete recovery. In order to authorize such continued

treatment in any case the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary. Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the state board with materials for first aid to his injured workmen. Every employer, who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep there one first aid station equipped as required by the state board with materials for first aid to his injured workmen. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under the provisions of sections 6604-55 and 6604-57. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. Every workman whose injury shall result in the loss of limb or eye shall be once provided by the supervisor of industrial insurance at the expense, not to exceed the sum of one hundred sixty-five dollars (\$165.00) in any case, of the accident fund, out of which his compensation shall come, an artificial substitute. Every workman, who shall suffer a penetrating wound of the cornea producing an error of refraction, shall be once provided at the expense of the accident fund, out of which his compensation shall come, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the corrected result. A workman, whose injury is of such short duration as to bring him within the provisions of subdivision L of section 6604-5, shall nevertheless receive during the omitted period, medical, surgical and hospital care and service and transportation under the provisions of this section.

SEC. 12. That section 6604-45 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-45. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra-hazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment by and under the control and administration of and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon. Before any such contract shall go into effect it shall be submitted to the supervisor of industrial insurance, and may be disapproved by the supervisor of industrial insurance when found not to provide for such care of injured workmen as is contemplated by the provisions of section 6604-36, and if a contract so submitted be with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association will not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved and take and continue in effect for any period of time specified therein, not exceeding three years from date of such approval: *Provided, however,* That the director of labor and industries through the division of industrial insurance may before approving

Lieu  
contracts  
for medical  
aid, etc.

any such contract require the giving by any physician, surgeon, hospital or hospital association of a bond in such sum and in such form, as the director may determine conditioned against any abandonment of such contract. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise specified) be outside of and not affected by the provisions of sections 6604-33 to 6604-44 inclusive, and section 6604-46, other than the provisions of section 6604-35 relating to artificial substitutes and lenses and the basis of compensation when lenses supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 6604-40 relating to the analyses and reports of accidents, and the employer shall pay monthly into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each. During the operation of any such contract the supervisor of industrial insurance or any interested person may file a complaint with the supervisor of industrial insurance alleging that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and if upon a hearing had upon notice to the employer and workmen interested thereunder, the supervisor of industrial insurance may make an order that the contracts shall terminate unless the defect or deficiency complained of shall be remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing

sustain the complaint and make an order that the contract shall terminate forthwith. Notice to the workman may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision to the courts in the manner provided in section 6604-20. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed by the court. If during the operation of any such contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 6604-36. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party.

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

SEC. 13. That there be added to Remington & Ballinger's Annotated Codes and Statutes of Washington, a new section to be known as section 6604-95a:

Section 6604-95a. Any employer who in any establishment carried on by him has refused or

Penalty for non-compliance with standards.

failed to comply with the existing "safe place" and, or "safety device" standards applicable to any such establishment for a period of three months after having had written notice from the supervisor of safety shall have added to the premium of the establishment affected a penalty equal in amount to ten per cent of the contribution to the accident fund of such establishment for the period of non-compliance, and this penalty may be increased by an additional ten per cent of such contribution for each succeeding three months period of refusal or failure of compliance.

SEC. 14. That section 6604-107 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be amended to read as follows:

Section 6604-107. Each employer who shall be certified to the supervisor of industrial insurance for any calendar year to have failed to comply with any educational standard applicable to his establishment or case and who shall be certified by the supervisor of safety to the supervisor of industrial insurance to be shown by the experience tables provided by section 6604-103 to have cost for that year and the four preceding years the accident fund of any class or class subdivision to which he is a contributor more than one hundred per cent but not more than one hundred and twenty-five per cent of the average cost rate for said aggregate five-year period of such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to five per cent of the cost rate for that year of such class or class subdivision.

Additional  
assessments  
for accident  
fund.

SEC. 15. That section 6604-108 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-108. Each employer who shall be certified to the supervisor of industrial insurance for any calendar year to have failed to comply with any educational standard applicable to his establishment or case and who shall be certified by the supervisor of safety to the supervisor of industrial insurance to be shown by the experience table provided by section 6604-103 to have cost for that year and for the four preceding years the accident fund of any class or class subdivision to which he is a contributor more than one hundred and twenty-five per cent of the average cost rate for said aggregate five-year period of such class or class subdivision shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred a sum equal to ten per cent of the cost rate for that year of such class or class subdivision.

Additional assessments for accident fund.

SEC. 16. That section 6604-109 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 6604-109. For the portion of any fraction of calendar year remaining after the expiration of four fractional or full calendar months after this section shall go into effect or after the establishment and notification of any standard of safety by the supervisor of safety or if for any reason any employer shall cease or suspend operation for any portion of any period of calendar year, the credits, and penalties in sections, 6604-101, 6604-102, 6604-105, 6604-106, 6604-107 and 6604-108 provided shall be

Proportional credits and penalties.

calculated and applied in the proportion of time which the period of operation shall bear to the calendar year.

Repealing  
clause.

SEC. 17. Sections 6604-96, 6604-98, 6604-99 and 6604-100, Remington & Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

Passed the House March 1, 1921.

Passed the Senate March 7, 1921.

Approved by the Governor, with the exception of section 5, which is vetoed, March 19, 1921.

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## CHAPTER 183.

[H. B. 264.]

### PORT DISTRICTS.

AN ACT relating to port districts and amending section 4475  
Pierce's Code.

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

SECTION 1. That section 4475 of Pierce's Code (Laws 1917, p. 498) be amended to read as follows:

Powers of  
district.

Section 4475. All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases or easements necessary for the purposes of the port districts, and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of

the first class, except in so far as such may be inconsistent with the provisions of this act, and the duties devolving upon the city treasurer under said law be and the same are hereby imposed upon the county treasurer for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, together with modern appliances for the economical handling, storing and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within such port district; and in connection with the operation of the improvement of the port district to perform all customary services including the handling, weighing, measuring and reconditioning all commodities received; to apply to the proper authorities of the United States under any law now or which may hereafter be in force for the right to establish, operate and maintain foreign trade zones within the limits of the port district and to establish, operate and maintain such foreign trade zones: *Provided*, That where the money so raised is to be used exclusively for the purpose of acquiring land for sites and constructing warehouses, storage plants and other facilities to be constructed within the limits of such foreign trade zone for use in the operation and maintenance of such foreign trade zones, said port shall have the power to contract indebtedness or borrow money and issue general bonds therefor in an amount in addition to the three (3) per centum hereinafter fixed of two (2) per centum of the taxable property in such district to be ascertained by

the last assessment for state and county purposes previous to the incurring of such indebtedness, such additional indebtedness only to be incurred by the assent of three-fifths ( $3/5$ ) of the voters of such port district voting thereon; to establish local improvement districts within such port districts, and to levy special assessments, under the mode of annual installments extending over a period not exceeding ten (10) years on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district, to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for the levying and collection of local improvement assessments and the issuance of local improvement bonds by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be, and the same are hereby imposed upon the county treasurer for the purposes of this act; and to own and control lands, leases, and all easements in land necessary for the purposes of the port district; to improve navigable and non-navigable waters of the United States and the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district; to regulate and control all such waters and all natural or artificial waterways (waterways of commercial waterway districts excepted) within the limits of such port district so far and to the full extent that this state can grant the

same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix absolutely and without right of appeal or review the rates of wharfage, dockage, warehousing and port and terminal charges upon all improvements owned and operated directly by the port district itself and ferry charges of ferries operated by itself: *Provided, however,* That the port commission shall file with the public service commission of the State of Washington its schedule of rates and charges so fixed, as is required by the laws of the State of Washington of public service corporations, and may not change any rate or charge so filed without first filing a notice of such change of rate or charge with the public service commission not less than thirty days prior to the going into effect of such change of rate or charge, and to fix, subject to state regulation, rates of wharfage, dockage, warehousing, and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, or piers owned by said port district but operated under lease from it; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: *Provided,* That no lease shall be executed for a period longer than thirty (30) years, and every such lease shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to carry out and perform the terms and conditions of such lease: *Provided,* That in any lease the term of which exceeds five (5) years, and when so stipulated

in the lease (the insertion of such stipulation to be discretionary with the port commission) the port commission shall accept, with surety, satisfactory to the port commission, a bond conditioned to carry out and perform the terms and conditions of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder), and in every such case the port commission shall require of the lessee another or other like bond to be executed and delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term, so that there will always be in force a bond securing the performance of the terms and conditions of the lease, and the penalty in every such bond shall be not less than the rental for one-half the period covered thereby, but no such bond shall be construed to secure the furnishing of any other bond; to sell and convey any property in anywise acquired or owned by the port district whenever the port commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district, but no property which is a part of the comprehensive scheme or modification thereof, adopted by vote of the people, shall be sold or disposed of without the assent of a majority of the voters voting on the question of such proposed sale of disposition at a general or special election; to raise revenue by levy of an annual tax on all taxable property within such port district, the total levy for any one year for all purposes, except for the payment of the principal and interest of the general bonded indebtedness of the port not to exceed two

mills on each dollar of the assessed valuation of the taxable property in such port district: *Provided*, That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of taxes in school districts of the first class; to contract indebtedness or borrow money for port purposes and issue general bonds therefor not exceeding an amount, together with the existing indebtedness of such port district of three per centum of the assessed value of the taxable property in such district, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness: *Provided*, That no such indebtedness shall be incurred exceeding one per centum of the assessed value of such taxable property in such port district as shown by the last assessment for state and county purposes without three-fifths of the voters of such port district voting on the incurring of such indebtedness assenting thereto at a general or special election held in such port district for the purposes of such submission; to have the power to issue general bonds of any such district evidencing any indebtedness thereof payable at any time not exceeding fifty (50) years from the date of such bonds.

Passed the House March 1, 1921.

Passed the Senate March 9, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## CHAPTER 184.

[H. B. 262.]

## CREATING CLASS "6-A" COUNTIES AND FIXING SALARIES OF OFFICERS THEREOF.

AN ACT fixing the compensation of all county officers in counties having a population of not less than five thousand six hundred and not more than six thousand, and naming such counties class "6-A" counties.

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

SECTION 1. All counties having a population of not less than five thousand six hundred (5,600) and not more than six thousand (6,000), as determined by the last preceding federal census, shall be known as class "6-A" counties.

SEC. 2. The salary of county officers of class "6-A" counties shall be per annum, respectively as follows: Auditor, twenty-one hundred dollars (\$2100); treasurer, twenty-one hundred dollars (\$2100); assessor, twenty-one hundred dollars (\$2100); clerk, nineteen hundred and fifty dollars (\$1950); sheriff, eighteen hundred dollars (\$1800); superintendent of schools, eighteen hundred dollars (\$1800); attorney, eighteen hundred dollars (\$1800); engineer, twenty-seven hundred dollars (\$2700); coroner, one hundred dollars (\$100); members of the board of county commissioners, ten dollars (\$10) per day for time actually spent in the performance of their duties. All such county officers shall be entitled to their necessary traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners.

SEC. 3. This act shall take effect on and after the second Monday in January, 1923.

Passed the House March 1, 1921.

Passed the Senate March 8, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

Time act  
takes effect.

CHAPTER 185.

[H. B. 119.]

LIABILITY OF COUNTY FOR FLOOD PREVENTION AND NAVIGATION.

AN ACT relating to actions against counties.

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

SECTION 1. No action shall be brought or maintained against any county alone or when acting jointly with any other county under any law, its or their agents, officers or employees, for any noncontractual acts or omissions of such county or counties, its or their agents, officers or employees, relating to the improvement, protection, regulation and control for flood prevention and navigation purposes of any river or its tributaries and the beds, banks and waters thereof: *Provided*, That nothing contained in this act shall apply to or affect any action now pending or begun prior to the passage of this act.

When not liable.

Passed the House February 23, 1921.

Passed the Senate March 7, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## CHAPTER 186.

[H. B. 98.]

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS  
PASSING OUTSIDE OF COUNTY.

AN ACT relating to highways, and providing for the construction and maintenance thereof by counties outside the boundaries of such counties.

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

SECTION 1. That whenever a state or county highway shall have been or shall hereafter be established within any county, and such highway shall cross the boundary of such county and again enter such county, it shall be lawful for the authorities of the county within which the major portion of such highway is established to expend the funds of such county in the construction and maintenance of that portion of the highway lying outside the county, in the manner provided by law for the expenditure of county funds for the construction and maintenance of highways lying within the county.

Passed the House February 4, 1921.

Passed the Senate March 7, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

Authorized  
expenditure  
for.

## CHAPTER 187.

[H. B. 26.]

## DRAINAGE IMPROVEMENT DISTRICTS.

AN ACT relating to drainage, authorizing the incurring of indebtedness to complete work necessary to secure benefits, validating indebtedness heretofore incurred for such purposes and providing for assessments according to actual benefits.

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

SECTION 1. Whenever any drainage district has been organized, established and created since January 1st, 1911, and extending to January 1st, 1921, in the manner provided by law, and the board of commissioners of such district have been authorized to proceed with the work of constructing a system of drainage for such district in the manner provided by law and have begun such work and expended the whole, or the major portion of the estimated cost of such improvement, and it shall have appeared to such board of commissioners that such improvement could not be completed within the estimated cost thereof so as to produce the benefits to the lands of the district found by the jury to be benefited by the proposed improvement without expending a greater sum than the estimated cost of such improvement and that the benefits which would actually accrue to the lands of the district would be sufficient to warrant the increased expenditure necessary to complete the improvement, and such board of commissioners shall have incurred indebtedness in the name of the district to such an amount as would complete the authorized system of drainage for the benefit of the lands of the district found by the jury to be benefited by the proposed improvement, and issued the warrants of the district to cover the additional cost of complet-

Costs in excess of estimate authorized.

Warrants for added costs.

ing such improvement all warrants heretofore issued for such purposes are hereby declared to be valid and legal obligations of the district so issuing the same.

Determina-  
tion of  
damages and  
benefits.

SEC. 2. Whenever the board of commissioners of any drainage district shall have heretofore issued any warrants of the district for the purpose of completing a system of drainage for such district so as to produce the benefits to the lands of the district found by the jury to be benefited by the proposed improvement as provided in the preceding section, and the total estimated maximum benefits found by the jury that would accrue to the lands of the district by reason of such proposed improvement are not sufficient to cover the actual cost of such improvement, including the cost of completing the same as hereinabove provided, the board of commissioners of such district shall file a petition in the superior court in the original proceeding for the determination of the damages and benefits to accrue from the proposed improvement, setting forth the facts, describing the lands that have been, in the judgment of the commissioners, actually benefited by the completed improvement, stating the estimated amount of benefits per acre that have accrued to each tract of land respectively, giving the name of the owner or reputed owner of such tract of land, and praying that the original proceedings be opened for further proceedings for the purpose of determining the benefits which have accrued to each tract of land actually benefited by the completed improvement. If the said board of commissioners fail or refuse to file such petition within sixty days after receipt of a written request so to do, signed by any warrant-holder, then the said warrant-holder shall have the right to file same.

Procedure.

SEC. 3. Upon the filing of the petition provided for in the preceding section, summons shall issue

thereon and be served on the owners of all lands described in the petition as having been benefited, in the same manner as summons is issued and served in the original proceedings for the determination of damages and benefits by reason of a proposed drainage improvement, as near as may be. No answer to any such petition shall be required unless the party served with summons desires to offset damages claimed to have been actually sustained by reason of the completed improvement in addition to the damages found by the jury in the original proceeding, and no default judgment shall be taken for failure to answer any such petition.

SEC. 4. Upon the issues being made up, or upon the lapse of time within which the parties served are required to appear by any summons issued as provided in the preceding section, the court shall empanel a jury to hear and determine the matters in issue, and if the jury shall find that the matters set forth in the petition are true and that any of the lands of the district have been benefited by the completed improvement, after offsetting any additional damages found to have been sustained by reason thereof, it shall determine and assess the benefits which have actually accrued, and shall specify in its verdict the respective amount of benefits per acre, if any, assessed to each particular tract of land, by legal subdivisions. Hearing.

SEC. 5. Upon the return of the verdict of the jury as provided in the preceding section, it shall appear to the court that the total benefits found by the jury to have accrued to the lands of the district is equal to or exceeds the actual cost of the improvement including the increased cost of completing the same, the court shall enter its judgment in accordance therewith, as supplemental to and in lieu of the original decree fixing the benefits to the respective Judgment.

tracts of land, and thereafter the assessment and levy for the original cost of the construction of the improvement, including the indebtedness incurred for completing the improvement together with interest at the legal rate on the warrants issued therefor, and all assessments and levies if any, for the future maintenance of the drainage system described in the judgment shall be based upon the respective benefits determined and assessed against the respective tracts of land as specified in the judgment. Every person or corporation feeling himself or itself aggrieved by any such judgment may appeal therefrom to the supreme court within thirty days after the entry thereof, and such appeal shall bring before the supreme court the propriety and justness of the verdict of the jury in respect to the parties to the appeal.

Passed the House February 10, 1921.

Passed the Senate March 2, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE.

Secretary of State.

## CHAPTER 188.

[S. B. 209.]

## SALARIES OF SUPREME AND SUPERIOR COURT JUDGES.

AN ACT relating to the salaries of the judges of the supreme and superior courts and amending section 1 of chapter 77 of the Session Laws of 1919, being Sec. 8577 of Pierce's Washington Code.

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

SECTION 1. That section 1 of chapter 77 of the session laws of 1919, being section 8577 of Pierce's Washington Code, be, and the same is hereby amended to read as follows:

Section 1. Each judge of the supreme court shall receive an annual salary of seven thousand dollars (\$7,000.00). Each judge of the superior court shall receive an annual salary of four thousand five hundred dollars (\$4,500.00): *Provided*, That in counties of the first class each judge of the superior court shall receive an annual salary of five thousand dollars (\$5,000.00), and in accordance with and for the purpose of effectuating the legislative intent and object in the enactment of said chapter 77 of the Session Laws of 1919 and also this act, the term "counties of the first class" is hereby understood, interpreted and declared to include class A counties.

Salaries  
fixed.

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

Emergency.

Passed the Senate March 4, 1921.

Passed the House March 7, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## CHAPTER 189.

[S. B. 116.]

## VALIDATION OF SCHOOL DISTRICT WARRANTS.

AN ACT validating certain third class school district warrants.

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

SECTION 1. Whenever any third class school district in any county of the sixth class of the State of Washington has issued, or caused to be issued, any warrants during the years 1918 and 1919, payable to any director of such school district for services actually rendered such school district, but which have not been paid because issued in violation of the law prohibiting a school director from being financially interested in any contract for services to the school district of which he is a director, such warrants are hereby validated, and the county treasurer of the county in which any such school district is located is hereby authorized and directed to pay any such warrants from any of the general funds of such school district.

Passed the Senate February 17, 1921.

Passed the House March 8, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

Warrants  
payable to  
school  
directors.

## CHAPTER 190.

[S. B. 26.]

## MILK FOR SCHOOL CHILDREN.

AN ACT relating to health, welfare and care of children in attendance at any public school in any city of the first class.

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

SECTION 1. The board of directors of any public school in any city of the first class may cause to be furnished free of charge, in a suitable individual sterilized receptacle on each and every school day to each child in attendance under the age of fourteen years desiring the same, not less than one-half pint of pure whole milk during the lunch hour at the noon intermission. The cost of supplying such milk shall be paid for and in the same manner and out of the same fund as the other items of expense incurred in the conduct and operation of said school.

Directors  
may  
provide.

Passed the Senate February 2, 1921.

Passed the House March 8, 1921.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
Secretary of State.

## AUTHENTICATION.

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I, J. Grant Hinkle, Secretary of State of the State of Washington, do hereby certify that I have carefully compared the foregoing published laws passed by the Seventeenth Legislature of the State of Washington, in session from January 10, 1921, to March 10, 1921, inclusive, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies 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.

Done at Olympia, this 16th day of April, 1921.

J. GRANT HINKLE,  
*Secretary of State.*

[SEAL]

## JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE.

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(Minor Resolutions and Memorials, of no public importance,  
are not printed herein)

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### SENATE JOINT RESOLUTION NO. 4.

WHEREAS, the present state primary and secondary highways were largely designated by the 1913 session of the legislature, and

WHEREAS, new agriculture sections have been developed, cities and towns of varying size have been built since the present system was adopted, and

WHEREAS, petitions for new state roads are being presented from many sections of the state,

*Therefore, Be it resolved by the Senate and the House of Representatives of the Legislature of the State of Washington:*

That the state highway board (or their successors in office) be authorized and directed to make a complete survey or study of the state as to any necessary revisions of existing highways to ascertain if any eliminations, corrections or additions should be made to the present state system and report their findings to the 1923 session of the legislature, and that until such survey and report is complete, no new highways be added to the present system.

Passed by the Senate February 2, 1921.

Passed by the House February 10, 1921.

## SENATE JOINT RESOLUTION NO. 9.

WHEREAS, data compiled by our metallurgical engineer, our State University, and government mineralogist and analysis by our chemist indicate all of the necessary properties in our natural resources as to quality and quantity for the manufacture of iron and steel; and,

WHEREAS, the necessary properties requisite to the manufacture of iron and steel are iron ore, carbon coal and limestone, therefore

*Be it resolved*, by the Senate and House of Representatives that the State Geologist be directed to make an investigation as to the feasibility of the manufacture of steel and iron in the State of Washington, findings to be on other than the holdings of the United States Steel Corporation, to take into consideration localities of the bodies of the different requisite minerals, giving the relative distance of one body to the other, and to make the report public within sixty (60) days after the adjournment of the 1921 session of the legislature.

Passed by the Senate March 4, 1921.

Passed by the House March 10, 1921.

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SENATE CONCURRENT RESOLUTION NO 11.

*Resolved* by the Senate, the House concurring, that the State Reclamation Board be empowered and authorized to engage counsel to represent them during the investigation of the affairs of said board now being held; and that the investigating committee of the legislature created under and by virtue of House Joint Resolution No. 2 be directed to require those who desire to present

evidence against the reclamation board to file with the investigating committee specific and definite charges, in proof of which the evidence is to be offered.

Adopted by the Senate February 4, 1921.

Adopted by the House February 4, 1921.

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### HOUSE JOINT RESOLUTION NO 3.

*Be it resolved*, by the House of Representatives and the Senate of the State of Washington, in legislative session assembled:

That the State Parks Committee or Commission be, and are hereby authorized to investigate and determine the advisability of establishing a State Park in Mount Stickney District in Township twenty-eight, north of Range Nine East, Willamette Meridian, in the County of Snohomish, State of Washington, and to report back to the 1923 legislature.

Passed by the House March 3, 1921.

Passed by the Senate March 10, 1921.

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### HOUSE CONCURRENT RESOLUTION NO. 11.

WHEREAS, the present statute requires the Secretary of State to print one thousand copies in pamphlet form of acts of the legislature for temporary use; and

WHEREAS, this number is deemed insufficient,

*Therefore, Be it resolved*, by the Legislature of the State of Washington, that the Secretary of State be requested to print an additional one thousand copies of the advance sheets of Session Laws of 1921, for the purpose of supplying the demand therefor.

Passed by the House February 7, 1921.

Passed by the Senate February 9, 1921.

**All Initiative and Referendum Measures, Filed  
in the Office of the Secretary of State,  
and the Disposition Thereof.**

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INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).

INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).

INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.

INITIATIVE MEASURE NO. 4 (Drugless Healers) — No petition filed.

INITIATIVE MEASURE NO. 5 (Eight-Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.

INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.

INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.

INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission) — Petition failed.

INITIATIVE MEASURE NO. 13 (Eight Hour) — Submitted to the people November 3, 1914; failed to pass.

INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.

INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.

INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.

INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.

INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.

- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.
- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—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)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29. (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight-Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32. (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.

REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.

REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.

REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds )—No petition filed.

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REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.

REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920; Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.

TABLE OF CROSS REFERENCES TO 1921 AMENDMENTS.

Abbreviations: add=added; am=amended; re-en=re-enacted; rep=repealed; super=superseded.

LAWS 1921										
Chap.	Sec.	Page	Laws	Page	Sec.	Rem.	Pierce			
20	1	86	am.	1917	194	1	am.	4976-3	am.	3450
24	1	91	am.	1890	209	168	am.	7743	am.	848
25	1	91	am.	1919	391	1	—	—	am.	8642A
26	1	92	—	—	—	—	—	—	am.	8153
28	1	98	am.	1890	628	2	am.	5989	am.	6653
31	1	102	am.	1911	264	157	am.	6059-187	am.	3131
31	2	115	rep.	1911	266	188	rep.	6059-188	rep.	3132
					267	189	rep.	6059-189	rep.	3133
32	1	116	am.	1909	651	6	am.	5872	am.	6786
34	1	118	am.	1915	486	6	am.	5878-2E	am.	6823
55	1	118	am.	1913	224	7	am.	5878-7	am.	6830
				1903	237	3	rep.	5347	am.	2587
				1903	238	7	rep.	5351	rep.	2589
				1913	357	2	rep.	5395-2	rep.	2593
				1913	358	3	rep.	5395-3	rep.	2610
				1915	431	8	rep.	5395-4	rep.	2612
				1913	360	8	rep.	5395-8	rep.	2618
				1915	433	10	rep.	5395-25	rep.	2619
37	19	136	rep.	1915	436	12	rep.	5395-27	rep.	2621
				1915	437	15	rep.	5395-33	rep.	2622
				1913	373	35	rep.	5395-35	rep.	2624
				1913	375	37	rep.	5395-36	rep.	2627
				1913	375	38	rep.	5395-38	rep.	2628
				1915	427	1	rep.	5395-41	rep.	2641-23
				1913	377	42	rep.	5395-42	rep.	2641-27
				1917	767	7	—	—	rep.	—
59	1 to 5	138	add.	1911	426	14	add.	S165-15 to S165-19	add.	4485-15 to 4485-19
40	1	140	am.	1915	350	1	am.	5028-1	am.	6648
41	1	141	am.	1919	191	1	am.	8914	am.	6246
41	2	142	am.	1907	104	2	am.	8915	am.	6248
41	3	142	am.	1907	105	3	am.	8916	am.	6249
41	4	143	am.	1907	105	4	am.	8917	am.	6250
41	5	143	am.	1919	192	5	am.	8918	am.	6251
41	6	144	am.	1919	193	6	am.	8929	am.	6252
41	7	145	am.	1919	194	7	am.	8919	am.	6253
41	8	146	am.	1915	244	1	am.	8920	am.	6247
42	1	147	am.	1913	386	1	am.	42-1	am.	8595
43	1	148	am.	1913	522	3	am.	1987-3	am.	595
44	1	150	am.	1909	287	5	am.	4484	am.	4982
46	1	152	rep.	1917	Chap. 20	—	—	—	rep.	4066-4071
50	12	159	rep.	1886	101	1 and 2	rep.	S775-S776	rep.	125-136
51	1	160	am.	1917	593	1	am.	9182	am.	7652
52	1	161	am.	1895	276	6	am.	4142	am.	1947-6
55	1	169	Am.	1915	417	12	am.	6831	am.	6894
59	1	175	re-en.	1915	603	1	re-en.	S826-74a	re-en.	5601-1
60	1	178	am.	1897	146	19	am.	9132	am.	6911
62	1	182	am.	—	—	—	add.	6059-235a	add.	3117-1
63	1	183	am.	1915	85	51	am.	5150-51	am.	2460
63	2	188	add.	1915	Chap. 31	52	am.	5150-51a	add.	2461
63	3	192	am.	1915	90	2	am.	5150-52	am.	2461
64	1	196	am.	1917	349	2	—	—	am.	2580
64	2	198	am.	1917	351	4	—	—	am.	2582
64	3	198	add.	1917	Chap. 105	—	—	—	add.	2585a
65	4	199	rep.	1903	285	1	rep.	431	rep.	8081
69	1	204	am.	1909	896	25	am.	2280	am.	8715
70	1	205	am.	1890	214	174	am.	7748	am.	853
73	1	211	am.	1917	273	8	—	—	am.	258
74	1	212	am.	1919	595	13	am.	5988-13	am.	2664
75	1	213	am.	1917	355	4	—	—	am.	3765-4
75	2	214	am.	1917	356	22	—	—	am.	3765-22
75	3	215	am.	1909	466	59	am.	7226	am.	3765-52
82	1	224	am.	1919	16	17	—	—	—	—
85	1	227	am.	1917	36	12	am.	—	am.	4745
87	1	231	am.	1895	324	29	am.	4123	am.	1940-43
90	1	236	am.	1919	585	4	—	—	am.	94-4
92	1	241	am.	1911	456	24	Am.	7892-24	am.	1012
93	1	243	am.	1917	689	163	—	—	am.	9795
94	1	245	am.	1917	261	24	—	—	am.	274
95	1	248	am.	1919	149	1	am.	5879-14	am.	6171
95	2	250	am.	1917	468	1	—	—	am.	6796

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96	49	232	rep.	{ 1913	Chap. 150		rep.	{ 5561-1		{ 214 to
										{ 234
				{ 1915	Chap. 142		rep.	{ 5561-3		{ 6060g to
								{ 5562-1		{ 6060i
								{ 5562-36		{ 196 to 213
97	1	283	am.	1917	309	2	—	—	am.	334
97	2	284	am.	1917	310	4	—	—	am.	336
97	3	285	am.	1917	312	8	—	—	am.	340
97	4	285	am.	1917	314	9	—	—	am.	341
97	5	286	am.	1917	316	11	—	—	am.	343
97	6	287	am.	1917	318	13	—	—	am.	345
97	7	289	am.	1917	319	14	—	—	am.	346
97	8	289	am.	1917	319	15	—	—	am.	347
97	9	290	am.	1917	321	17	—	—	am.	349
97	10	291	am.	1917	322	19	—	—	am.	351
97	11	291	rep.	1917	318	12	—	—	rep.	344
99	1	293	sup.	1917	219	1	—	—	sup.	8464
100	1	296	am.	1911	237	1	am.	3884-1	am.	1682
101	1	297	am.	1909	265	3	am.	4424	am.	4907
102	1	298	am.	1911	627	5	am.	5277-5	am.	2562
102	2	300	am.	1911	629	8	am.	5277-8	am.	2565
102	3	301	am.	1911	631	11	am.	5277-11	am.	2568
102	4	302	add.	1911	Chap. 125		—	—	add.	2573-1
103	1	303	add.	1917	Chap. 117		—	—	add.	7225-1
103	2	304	am.	1917	466	41	—	—	am.	7243
103	3	305	add.	1917	Chap. 117		—	—	add.	7233a
104	1	306	am.	1919	628	19	—	—	am.	1855-19
104	2	306	rep.	1919	632	30	—	—	rep.	1855-30
104	3	306	am.	1919	642	63	—	—	am.	1855-41
104	5	307	am.	1919	642	63	—	—	am.	1855-63
109	1	331	am.	1891	42	1	am.	982	am.	7501
109	1	331	add.	1891	—	—	add.	982-1	add.	7501a
109	2	332	am.	1891	43	4	am.	988	am.	7507
109	2	332	—	—	—	—	add.	988-1	add.	7507a
109	3	333	am.	1891	43	8	am.	995	am.	7511
109	3	333	—	—	—	—	add.	995-1	add.	7511-1
109	4	334	—	—	—	—	add.	995-2	add.	7511-2
109	4	334	—	—	—	—	add.	995-3	add.	7511-3
109	4	334	—	—	—	—	add.	995-4	add.	7511-4
109	4	334	—	—	—	—	add.	995-5	add.	7511-5
109	5	335	rep.	1893	{ 225	1	rep.	991	rep.	7514
					{ 226	2	rep.	992	rep.	7515
					{ 226	3	rep.	993	rep.	7516
112	1	344	—	—	—	—	add.	6059-23	add.	2930
112	2	346	—	—	—	—	add.	6059-23a	add.	2930-1
112	3	346	—	—	—	—	add.	6059-23b	add.	2930-2
112	4	347	—	—	—	—	add.	6059-23c	add.	2930-3
112	5	348	—	—	—	—	add.	6059-23d	add.	2930-4
112	6	348	—	—	—	—	add.	6059-23e	add.	2930-5
112	7	349	—	—	—	—	add.	6059-23f	add.	2930-6
112	8	349	—	—	—	—	add.	6059-23g	add.	2930-7
112	9	349	—	—	—	—	add.	6059-23h	add.	2930-3
112	10	350	—	—	—	—	add.	6059-23i	add.	2930-9
112	11	350	—	—	—	—	add.	6059-23j	add.	2930-10
112	12	351	—	—	—	—	add.	6059-23k	add.	2930-11
112	13	352	—	—	—	—	add.	6059-23l	add.	2930-12
112	14	352	—	—	—	—	add.	6059-23m	add.	2930-13
112	15	353	—	—	—	—	add.	6059-23n	add.	2930-14
116	1	373	am.	1911	489	1	am.	4842	am.	2259
117	1	377	am.	1911	92	3	am.	9223-1	am.	6959
119	1	379	am.	1888	7	4	am.	9035	am.	6576
120	1	380	am.	1917	186	1	—	—	am.	616
120	2	380	am.	1917	187	4	—	—	am.	619
120	3	381	am.	1917	188	6	—	—	am.	621
120	4	381	am.	1917	188	7	—	—	am.	622
120	5	382	am.	1917	189	9	—	—	am.	624
120	6	382	am.	1917	189	10	—	—	am.	625
120	7	382	am.	1917	191	17	—	—	am.	633
120	8	382	add.	1917	Chap. 38	22	—	—	add.	636-1
120	9	383	add.	1917	Chap. 38	23	—	—	add.	636-2
120	10	383	add.	1917	Chap. 38	24	—	—	add.	636-3
122	1	398	am.	1917	61	14	am.	6262-31	am.	3193
123	1	400	am.	1917	588	2	—	—	am.	5401
126	23	418	rep.	{ 1917	421	1-25	Rep.	{ 119 to		{ 177-173
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127	1	418	am.	1913	274	1	am.	5131	am.	958
128	1	420	am.	1915	526	1	am.	7892-11	am.	1009
129	1	422	am.	1915	605	2	am.	6417	am.	3188
129	2	425	am.	1919	530	Chap. 180	am.	6417-1	am.	3188a
129	3	428	am.	1913	560	2	am.	6418	am.	3199
129	4	430	am.	1915	608	3	am.	6419	am.	3200
129	5	432	am.	1915	616	4	am.	6426	am.	3207
129	6	435	am.	1915	612	5	am.	6427	am.	3208
129	7	438	am.	1915	614	6	am.	6428	am.	3209
129	8	439	am.	1915	615	7	am.	6430	am.	3211
129	9	443	am.	1915	618	8	am.	6431	am.	3212
129	10	444	am.	1915	619	9	am.	6432	am.	3213
129	11	445	am.	1915	620	10	am.	6433	am.	3214
129	12	447	am.	1895	441	10	am.	6435	am.	3216
129	13	447	am.	1915	621	11	am.	6436	am.	3217
129	14	448	am.	1915	621	12	am.	6437	am.	3218
129	15	450	am.	1915	622	13	am.	6438	am.	3219
129	16	451	am.	1915	623	14	am.	6439	am.	3220
129	17	453	am.	1915	624	15	am.	6440	am.	3221
129	18	455	am.	1913	572	14	am.	6441	am.	3222
129	19	455	am.	1913	573	15	am.	6442	am.	3223
129	20	458	am.	1913	574	16	am.	6443	am.	3225
129	21	458	am.	1915	624	16	am.	6444	am.	3226
129	22	460	am.	1895	446	20	am.	6449	am.	3229
129	23	460	am.	1913	576	19	am.	6451	am.	3231
129	24	460	am.	1915	627	19	am.	6456	am.	3236
129	25	463	am.	1915	628	21	am.	6457	am.	3237
129	26	466	am.	1917	724	2	am.	6457-2	am.	3239
129	27	468	am.	1919	548	16	am.	6457-3	am.	3240
129	28	469	am.	1917	729	4	am.	6457-4	am.	3241
129	29	470	am.	1917	731	5	am.	6457-5	am.	3242
129	30	471	am.	1917	732	6	am.	6457-6	am.	3243
129	31	471	am.	1919	549	17	am.	6457-7	am.	3243½
129	32	472	am.	1915	628	21	am.	6462	am.	3245
129	33	472	am.	1890	695	49	am.	6464	am.	3247
129	34	473	am.	1890	697	56	am.	6471	am.	3254
129	35	473	am.	1915	629	23	am.	6475	am.	3257
129	36	474	am.	1890	699	61	am.	6476	am.	3258
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129	38	476	am.	1890	700	63	am.	6478	am.	3260
129	39	477	am.	1915	630	24	am.	6479	am.	3261
129	40	477	am.	1915	631	25	am.	6480	am.	3262
129	41	478	am.	1915	631	26	am.	6481	am.	3263
129	42	479	am.	1890	702	67	am.	6482	am.	3264
129	43	481	am.	1890	702	68	am.	6483	am.	3265
129	44	481	am.	1913	578	22	am.	6488	am.	3268
129	45	482	am.	1915	632	27	am.	6489	am.	3269
129	46	483	am.	1915	633	29	am.	6491	am.	3271
129	47	483	am.	1917	742	20	am.	6493	am.	3273
129	48	484	rep.	1919	Chap. 154	rep.	{	6432-1	rep.	{
								to		to
								6432-5		3408
131	1	487	rep.	1913	Chap. 31	—	—	—	—	—
132	1	488	am.	1893	177	7	am.	3877	am.	1684
135	1	491	am.	1913	522	2	am.	1987-2	am.	594
136	1	492	am.	1909	254	10	am.	4373	am.	4833
138	1	494	am.	1913	78	4	am.	8733-4	am.	5641
138	2	496	am.	1913	80	6	am.	8733-6	am.	5643
139	1	499	am.	1919	128	1	am.	5049-7	am.	4769
139	2	499	am.	1919	129	2	am.	5049-8	am.	4770
139	3	500	am.	1919	129	3	am.	5049-9	am.	4771
139	4	500	am.	1919	129	4	am.	5049-10	am.	4772
139	7	501	rep.	1919	130	5	rep.	5049-11	rep.	4772
141	2	507	am.	1915	494	1	am.	3082-1	am.	2707
141	2	509	am.	1915	495	2	am.	3082-2	am.	2708
141	3	512	am.	1915	498	3	am.	3082-3	am.	2709
141	4	513	am.	1915	499	5	am.	3082-5	am.	2711
141	5	515	am.	1915	510	14	am.	3082-14	am.	2720
141	6	519	am.	1915	514	16	am.	3082-16	am.	2722
141	7	521	am.	1915	515	17	am.	3082-17	am.	2723
141	8	523	am.	1915	516	18	am.	3082-18	am.	2724
141	9	523	am.	1915	521	27	am.	3082-27	am.	2733
141	10	525	am.	1919	667	4	am.	3082-29	am.	2735
141	11	526	am.	1915	523	30	am.	3082-30	am.	2736
141	12	526	am.	1915	524	31	am.	3082-31	am.	2737
142	1	528	am.	1911	340	4	am.	5049-4	am.	4754a
143	1	528	am.	1915	691	1	am.	4395-1	am.	2087

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143	2	529	am.	1915	691	2	am.	4898-2	am.	2088
143	3	530	am.	1915	692	3	am.	4898-3	am.	2089
143	4	533	add.	1915	Chap. 189	3a	—	—	add.	2089-1
143	4	534	add.	1915	Chap. 189	3b	—	—	add.	2089-2
143	6	535	am.	1915	693	4	am.	4898-4	am.	2090
143	7	536	rep.	1917	716	6	—	—	rep.	2092
144	1	536	am.	1919	593	12	—	—	am.	2653
145	1	540	am.	1919	590	4	—	—	am.	2645
145	2	542	am.	1919	592	8	—	—	am.	2649
145	3	542	am.	1919	597	16	—	—	am.	2657
145	4	543	am.	1919	600	22	—	—	am.	2663
145	5	544	am.	1919	601	24	—	—	am.	2665
145	6	545	am.	1919	601	25	—	—	am.	2666
145	7	546	am.	1919	603	29	—	—	am.	2670
146	1	548	am.	1895	304	1	am.	4091	am.	1946-1
146	2	549	am.	1895	304	2	am.	4092	am.	1946-2
146	3	550	am.	1895	305	3	am.	4093	am.	1946-3
146	4	552	am.	1915	373	1	am.	4096	am.	1946-6
146	5	553	am.	1895	310	5	am.	4102	am.	1946-21
147	1	554	am.	1919	216	12	am.	4607	am.	5110
147	2	555	am.	1911	390	1	am.	4610	am.	5116
148	1	556	am.	1919	232	1	am.	6848	am.	7686
148	2	557	am.	1919	232	2	am.	6849	am.	7687
152	1	569	am.	1919	434	1	am.	6794	am.	6499
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152	3	570	am.	1919	435	3	—	—	am.	6502b
152	4	572	—	—	—	—	—	—	add.	6502c
153	1	573	am.	1919	558	5	—	—	am.	103
153	2	574	am.	1919	559	7	—	—	am.	105
153	3	575	am.	1919	561	9	—	—	am.	107
153	4	575	am.	1919	561	10	—	—	am.	108
153	5	576	am.	1919	562	13	—	—	am.	111
153	6	577	am.	1919	563	14	—	—	am.	112
153	7	577	am.	1919	563	16	—	—	am.	112b
154	1	580	am.	1893	147	1	am.	5577	am.	5973
156	1	607	supr.	1919	690	1	supr.	{ 3345-11	supr.	365
								{ —	add.	365-1 to 365-17
156	2	617	am.	1919	690	2	am.	3345-17	am.	371
156	3	618	am.	1915	566	18	am.	3345-18	am.	372
156	4	620	am.	1919	700	3	am.	3345-25	am.	379
157	4	627	am.	1913	623	20	am.	4226-20	am.	1945-76
157	5	629	am.	1913	624	22	am.	4226-22	am.	1945-77a
157	6	630	am.	1913	637	35	am.	4226-38	am.	1945-94
158	1	633	am.	1915	315	1	am.	5953-2	am.	2852
159	1	635	am.	1917	243	6	am.	5740	am.	6092
159	2	637	am.	1893	308	16	am.	5742	am.	6094
159	4	639	am.	1893	314	34	am.	5760	am.	6105
159	5	640	am.	1917	251	17	am.	5761	am.	6106
159	6	642	am.	1917	252	19	am.	5763	am.	6108
159	8	643	—	—	—	—	—	—	add.	6110b
159	9	644	—	—	—	—	—	—	add.	6110c
159	10	645	—	—	—	—	—	—	add.	6110d
159	11	645	—	—	—	—	—	—	add.	6110e
160	1	646	am.	1917	521	12	am.	4226-1	am.	1945-57
160	2	647	am.	1917	523	15	am.	4226-4	am.	1945-60
165	1	656	am.	1915	59	1	am.	5013-1	am.	2409
166	1-3	657	—	—	—	—	—	—	add.	9727-1 to 9727-3
166	3	662	rep.	{ 1905	142	1	rep.	—	—	9727-3
				{ 1909	952	210	rep.	2710	rep.	9022
				{ 1903	395	2	rep.	2462	rep.	9131-123
				{ 1903	395	2	—	—	—	—
				{ —	413	2	—	—	—	—
				{ —	413	3	—	—	—	—
173	16	674	rep.	{ 1907	415	4	rep.	{ 6051 to 6058	rep.	{ 2871 to 2876 and 2878 to 2879
				{ —	416	5	—	—	—	—
				{ —	417	6	—	—	—	—
				{ —	417	7	—	—	—	—
175	1	679	am.	1909	293	16	am.	4509	am.	5007
176	1	682	am.	1915	179	7	am.	4826	am.	2243
176	2-13	684	—	—	—	—	—	—	add.	{ 2243-1 to 2243-12
176	14	690	am.	1915	176	3	am.	4809	am.	2228
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Abbreviations: add=added; am=amended; re-en=re-enacted; rep=repealed; super=superseded.

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