

to incur such incidental expenses as it shall deem necessary.

Appropriation.

SEC. 3. For the purpose of carrying out the provisions of this act there is hereby appropriated from the general fund the sum of five thousand dollars, or so much thereof as may be necessary, which shall be drawn on vouchers signed by the chairman of said commission, and countersigned by the secretary.

Passed the House March 19, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 7.

[H. B. 15.]

PROBATE.

AN ACT relating to probate and the settlement of the estates of decedents; amending section 165, chapter 156, Laws of 1917 and RCW 11.76.200; and amending section 166, chapter 156, Laws of 1917 and RCW 11.76.210; and amending section 167, chapter 156, Laws of 1917 and RCW 11.76.220; and amending section 168, chapter 156, Laws of 1917 and RCW 11.76.230; and amending section 169, chapter 156, Laws of 1917 and RCW 11.76.240 and adding two new sections to chapter 11.76 RCW.

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

Amendment.

SECTION 1. Section 165, chapter 156, Laws of 1917 and RCW 11.76.200 are each hereby amended to read as follows:

When any estate has been distributed by decree of the court as provided in this chapter, to any person who has not been located, the court shall appoint an agent for the purpose of taking possession and charge of said estate for the benefit of such absentee person: *Provided*, That no public official may be appointed as agent under this section.

Court to appoint agent.

Limitation on appointment.

SEC. 2. Section 166, chapter 156, Laws of 1917 and RCW 11.76.210 are each hereby amended to read as follows: Amendment.

Such agent shall make, subscribe, and file an oath for the faithful performance of his duties, and shall give a bond to the state, to be approved by the court, conditioned faithfully to manage and account for such estate, before he shall be authorized to receive the same. Oath and bond of agent.

SEC. 3. There is added to chapter 11.76 RCW a section to read as follows: New section.

After the entry of the decree of distribution in the probate proceedings the court shall retain jurisdiction for the purpose of carrying out the provisions of this act. Jurisdiction retained.

SEC. 4. Section 167, chapter 156, Laws of 1917 and RCW 11.76.220 are each hereby amended to read as follows: Amendment.

If the estate remains in the hands of the agent unclaimed for three years, any property not in the form of cash shall be sold under order of the court, and all funds, after deducting a reasonable sum for expenses and services of the agent, to be fixed by the court, shall be paid into the county treasury. The county treasurer shall issue triplicate receipts therefor, one of which shall be filed with the county auditor, one with the court, and one with the tax commission. If the funds remain in the county treasury unclaimed for a period of four years and ninety days, the county treasurer shall forthwith remit them to the tax commission for deposit in the state treasury in the fund in which escheats and forfeitures are by law required to be deposited. Unclaimed estate; sale of property after three years; procedure.

SEC. 5. Section 168, chapter 156, Laws of 1917 and RCW 11.76.230 are each hereby amended to read as follows: Amendment.

Liability of agent.

The agent shall be liable on his bond for the care and preservation of the estate while in his hands, and for the payment of the funds to the county treasury, and may be sued thereon by any person interested including the state.

Amendment.

SEC. 6. Section 169, chapter 156, Laws of 1917 and RCW 11.76.240 are each hereby amended to read as follows:

Limitation on claimants; procedure on claim.

During the time the estate is held by the agent, or within four years after it is delivered to the county treasury, claim may be made thereto only by the absentee person or his legal representative, excepting that if it clearly appears that such person died prior to the decedent in whose estate distribution was made to him, but leaving lineal descendants surviving, such lineal descendants may claim. If any claim to the estate is made during the period specified above, the claimant shall forthwith notify the tax commission in writing of such claim. The court, being first satisfied as to the right of such person to the estate, and after the filing of a clearance from the tax commission, shall order the agent, or the county treasurer, as the case may be, to forthwith deliver the estate, or the proceeds thereof, if sold, to such person.

New section.

SEC. 7. There is hereby added to chapter 11.76 RCW a section to read as follows:

Heirs of absentee person may institute probate proceedings.

If no person appears to claim the estate within four years after it is delivered to the county treasury, as provided by section 6, any heirs of the absentee person may institute probate proceedings on the estate of such absentee within ninety days thereafter. The fact that no claim has been made to the estate by the absentee person during the specified time shall be deemed prima facie proof of the death of such person for the purpose of issuing letters of administration in his estate. In the event letters of

Prima facie proof of death of absentee person.

administration are issued within the period provided above, the county treasurer shall make payment of the funds held by him to the administrator upon being furnished a certified copy of the letters of administration.

SEC. 8. After any time limitation prescribed in this act, the absentee claimant may, at any time, if the assets of the estate have not been claimed under the provisions of sections 6 and 7 of this act, notify the tax commission of his claim to the estate, and file in the court which had jurisdiction of the original probate a petition claiming the assets of the estate. The tax commission may appear in answer to such petition. Upon proof being made to the probate court that the claimant is entitled to the estate assets, the court shall render its judgment to that effect and the assets shall be paid to the claimant without interest, upon appropriation made by the legislature.

Rights of absentee person to claim assets; limitation on; procedure.

Passed the House March 19, 1955.

Passed the Senate March 22, 1955.

Approved by the Governor April 4, 1955.

CHAPTER 8.

[H. B. 23.]

EMPLOYEE WELFARE TRUST FUNDS.

AN ACT relating to employee welfare trust funds; making an appropriation; and providing penalties.

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

SECTION 1. As used in this act:

(1) "Commissioner" means the insurance commissioner of the state of Washington.

Defined. "Commissioner."

(2) "Employee welfare trust fund" means any fund established for employees of one or more em-

"Employee welfare trust fund."