

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION, THIRTY-SEVENTH LEGISLATURE
Convened January 9, 1961. Adjourned March 9, 1961.

EXTRAORDINARY SESSION, THIRTY-SEVENTH LEGISLATURE
Convened March 10, 1961. Adjourned March 31, 1961.



Compiled in Chapters by
VICTOR A. MEYERS
Secretary of State

VOLUME NO. 2

Containing Chapters 24 Through 308, Regular Session
Chapters 1 Through 27, Extraordinary Session

MARGINAL NOTES AND INDEX

By
RICHARD O. WHITE
Code Reviser

Published by Authority



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Preface

The Thirty-Seventh Legislature of the State of Washington convened at 12 o'clock noon, January 9, 1961 (being the second Monday in January of the odd-numbered year), and adjourned *sine die* March 9, 1961.

All acts passed by the Regular Session, either approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment. The effective date fell this year on June 8, 1961 (**midnight**, June 7), except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

A handwritten signature in cursive script that reads "Victor A. Meyers". The signature is written in black ink and includes a long horizontal flourish at the end.

VICTOR A. MEYERS
Secretary of State

CHAPTER 24.

[H. B. 49.]

PORT DISTRICTS—JOINT EXERCISE OF POWERS.

AN ACT relating to port districts and adding a new section to chapter 53.08 RCW.

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

SECTION 1. There is added to chapter 53.08 RCW a new section to read as follows:

Any two or more port districts shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all lands, property, property rights, leases, or easements necessary for their purposes, either entirely within or partly within or partly without or entirely without such districts: *Provided*, That any two or more districts so acting jointly, by mutual agreement, shall not acquire any real property or real property rights in any other port district without the consent of such district.

Port districts
acting jointly,
powers.

A district may enter into any contract with the United States, or any state, county, or municipal corporation, or any department of those entities, for carrying out any of the powers that each of the contracting parties may by law exercise separately.

Passed the House January 31, 1961.

Passed the Senate February 8, 1961.

Approved by the Governor February 14, 1961.

CHAPTER 25.

[H. B. 116.]

WASHINGTON STATE UNIVERSITY—MILITARY TRAINING ELECTIVE.

AN ACT relating to the powers and duties of the board of regents of Washington State University; and adding a new section to chapter 28.80 RCW.

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

SECTION 1. There is added to chapter 28.80 RCW a new section to read as follows:

Notwithstanding RCW 28.80.130 (6), the board of regents of Washington State University may make training in military tactics available to all male students on an elective basis.

Passed the House January 26, 1961.

Passed the Senate February 8, 1961.

Approved by the Governor February 14, 1961.

Military training may be elective

CHAPTER 26.

[H. B. 84.]

PORT DISTRICTS—CONSOLIDATION—DISSOLUTION.

AN ACT relating to port districts; authorizing the consolidation thereof; and providing procedures for the dissolution of inactive port districts.

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

SECTION 1. Two or more port districts in the same county may be joined into one consolidated port district in the following manner: The port commissioners of each of the port districts proposed to be consolidated may, or on petition of ten percent of the qualified electors residing within each of the districts proposed to be consolidated based on the

Consolidation of port districts, procedure.

total vote cast in the last general election, shall, by joint resolution submit to the qualified electors of the port district to be consolidated the proposition of consolidating such districts into one port district. Such resolution or petition in request thereof shall identify each port district to be consolidated, listing its assets and liabilities; state the name by which the port district resulting from the consolidation shall be known; legally describe each port commissioner district to be created within the port district resulting from the consolidation; state the terms and conditions, if any, under which the consolidation is proposed; and call a special election in the territory of the port districts to be consolidated, to determine whether such consolidation shall take place, and to fill the offices of the port commission of the port district resulting from the consolidation.

SEC. 2. The special election to consider such consolidation and to fill such offices shall be conducted in accordance with the general election laws of the state. Each candidate for the port commission of the port district resulting from the consolidation shall, not more than forty-five nor less than thirty days prior to the election, file with the county auditor a declaration of candidacy for port commissioner from the port commissioner district in which he is a qualified voter. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declaration of candidacy. There shall be no fee charged for filing a declaration of candidacy for port commissioner at this election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically by port commissioner districts. Names of candidates printed upon the ballot need not be rotated.

Election
procedure.

Declarations
of candidacy.

Ballots.

SEC. 3. The county canvassing board of election returns shall certify the results of the election to the board of county commissioners; and if at such

Certification
of election
results.

election a majority of voters voting on the question of consolidation in each port district to be consolidated shall vote in favor of consolidation, the board of county commissioners shall so declare, and the port district resulting from the consolidation shall then be and become a municipal corporation of the state of Washington. The county auditor shall in such event issue a certificate of election to the successful candidate from each port commissioner district. Of the three successful candidates, the one receiving the highest number of votes shall serve until his successor is elected and qualified at the third subsequent regular election for port commissioner, and the ones receiving the second and third highest numbers of votes shall serve until their successors are elected and qualified at the second and first subsequent regular elections for port commissioner, respectively.

Certificates of election.

Commissioner terms.

Obligations upon consolidation.

Powers upon consolidation.

SEC. 4. None of the obligations of each port district which has been consolidated shall be affected by the consolidation, and taxes and assessments for payment of such obligations shall continue to be levied and collected in respect to property in such former port district notwithstanding the consolidation. The port commission of the port district resulting from the consolidation shall have all the powers possessed at the time of the consolidation by the port commission of each port district which has been consolidated, to levy or collect taxes or assessments in respect to property in such former port district, for payment of such obligations. While any such obligations remain outstanding, funds subject to such obligations shall be kept separate.

Consolidation, county commissioners may act for inactive port commission.

SEC. 5. In the event a port district does not have an active port commission to which the petition for consolidation may be directed, the board of county commissioners of the county wherein such inactive port district is located may act in the place and

stead of the port commission for the purposes of consolidation.

SEC. 6. For the purpose of dissolution of any port district not having an active port commission the board of county commissioners of the county wherein such inactive port district is located may exercise the powers and duties vested by chapter 53.48 RCW in the governing body of such port district.

Dissolution, county commissioners may act for inactive port commission.

Passed the House February 10, 1961.

Passed the Senate February 9, 1961.

Approved by the Governor February 15, 1961.

CHAPTER 27.

[S. B. 4.]

COUNTIES, ADOPTING CODES, COMPILATION BY REFERENCE.

AN ACT relating to counties; and amending section 2673, Code of 1881, as last amended by section 1, chapter 61, Laws of 1947, sections 2681 and 2687, Code of 1881, and RCW 36.32.120.

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

SECTION 1. Section 2673, Code of 1881, as last amended by section 1, chapter 61, Laws of 1947, and sections 2681 and 2687, Code of 1881 (heretofore combined and codified as RCW 36.32.120) are each amended to read as follows:

RCW 36.32.120 amended.

SEC. 2. (36.32.120) The several boards of county commissioners shall:

County commissioners. Powers of board.

(1) Provide for the erection and repairing of courthouses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according

to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: *Provided*, That there shall be filed in the county auditor's office three copies of such codes, compilations, and/or statutes ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county, and shall provide that any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: *Provided further*, That no such regulation,

code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the board of county commissioners of which at least ten days' notice has been given. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Passed the Senate February 1, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 28.

[S. B. 98.]

WATER DISTRICTS—MERGER.

AN ACT relating to mergers of certain water districts; and adding a new chapter to Title 57 RCW.

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

SECTION 1. Whenever there are two water districts, the territories of which are adjoining or in close proximity to and in the same county with each

Merger of water districts, procedure.

other, and the number of electors of one is at least two times the number of electors of the other, the smaller of such districts may merge into the larger one, which will survive under its original number.

County commissioner's determination.

SEC. 2. Whenever the boards of water commissioners of both such districts determine by resolution that the merger of such districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such districts, they shall enter into an agreement providing for the merger.

Certification of agreement to county auditor. Call of election—Notice.

SEC. 3. The respective boards of water commissioners of said districts shall certify such agreement to the county auditor of the county in which the districts are located. Thereupon, the said county auditor shall call a special election for the purpose of submitting to the voters of the smaller district the proposition of whether the smaller district shall be merged into the larger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Post election procedure.

SEC. 4. If at such election a majority of the voters of the smaller water district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and upon such return the merger shall be effective and the smaller water district shall cease to exist and shall become a part of the larger water district. The water commissioners of the smaller district shall cease to hold office and the affairs of the merged districts shall be managed by the water commissioners of the surviving district.

Obligations upon merger.

SEC. 5. All funds and property, real and personal, of the smaller district, shall vest in and become the property of the merged district: *Provided*, That unless the agreement of merger provides to the

contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district; and the water commissioners of the merged water district shall make such levies, assessments or charges for service upon said area or the water users therein as shall pay off such indebtedness at maturity.

Passed the Senate January 31, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 29.

[Engrossed S. B. 140.]

CONTROLLED ATMOSPHERE STORAGE OF FRUIT AND VEGETABLES.

AN ACT relating to controlled atmosphere storage of fruits and vegetables; providing penalties; and declaring an emergency.

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

SECTION 1. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Controlled atmosphere storage" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh

Controlled
atmosphere
storage act.
Definitions.

fruits or vegetables in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

Licensing
required.

SEC. 2. It shall be unlawful for any person to engage in the business of operating a controlled atmosphere storage warehouse or warehouses without first obtaining an annual license from the director. Such license shall expire on August 31st of any one year.

Application
for license.
contents.

SEC. 3. Application for a license to operate a controlled atmosphere warehouse shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for the license.

(2) If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person domiciled in this state authorized to receive and accept service or legal notices of all kinds.

(5) The storage capacity of each controlled atmosphere storage warehouse the applicant intends to operate by cubic capacity or volume.

(6) The kind of fruits or vegetables for which the applicant intends to provide controlled atmosphere storage.

(7) Any other information prescribed by the director necessary to carry out the purposes and provisions of this act.

The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this act and rules adopted

hereunder and that such applicant has paid the required license fee.

SEC. 4. The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars.

License fee to accompany application.

SEC. 5. The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purposes. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended.

Enforcement—Rules and regulations.

SEC. 6. The director shall adopt rules:

Scope of rules.

(1) Prescribing the maximum amount of oxygen that may be retained in a sealed controlled atmosphere storage warehouse: *Provided*, That such maximum amount of oxygen retained shall not exceed five percent when apples are stored in such controlled atmosphere storage warehouse.

(2) Prescribing the period in which the oxygen content shall be reduced to the amount prescribed in subsection (1) of this section: *Provided*, That such period shall not exceed twenty days when apples are stored in such controlled atmosphere warehouse: *Provided, further*, That such period shall not exceed twenty-five days when any other fruits or vegetables are stored in such controlled atmosphere warehouse.

(3) The length of time and the degrees of temperature at which any fruits or vegetables shall be retained in controlled atmosphere storage, before they may be classified as having been stored in controlled atmosphere storage: *Provided*, That such period shall not be less than ninety days.

SEC. 7. If an application for renewal of the license provided for in section 2 of this act is not filed prior to September 1st of any one year, a

Penalty for late license renewal.

penalty of two dollars and fifty cents shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not engaged in the business of operating a controlled atmosphere storage warehouse subsequent to the expiration of his prior license.

Denial,
suspension,
revocation of
license,
grounds.

SEC. 8. The director is authorized to deny, suspend or revoke the license provided for in section 2 of this act subsequent to a hearing, in any case in which he finds that there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder.

Hearings
subject to
administrative
procedures act.

SEC. 9. All hearings for a denial, suspension or revocation of the license provided for in section 2 of this act shall be subject to the provisions of chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended.

Subpoenas—
Witnesses.

SEC. 10. The director may issue subpoenas to compel the attendance of witnesses and/or the production of books, documents and records, anywhere in the state in any hearing affecting the authority or privilege granted by a license issued under the provisions of this act. Witnesses shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW, as enacted or hereafter amended.

Warehouse
numbers,
requisites of,
use.

SEC. 11. The director when issuing a license to an applicant shall include a warehouse number which shall be preceded by the letters "CA". If the applicant in applying for a license includes a request for a specific warehouse number, the director shall issue such number to the applicant if such number has not been issued to a prior applicant. The letters "CA" and the number issued as provided in this section shall be marked in a manner provided by the director on all containers in which fruits or

vegetables subject to the provisions of this act are placed or packed.

SEC. 12. The licensee shall make air component determinations as to the percentage of carbon dioxide, oxygen and temperature at least once each day. A record of such determinations shall be kept on a form prescribed by the director for a period of two years and shall include the following:

Air component determinations, record of.

- (1) The name and address of the licensee.
- (2) The number of the warehouse and the storage capacity of the warehouse.
- (3) The date of sealing of the warehouse.
- (4) Date of opening of the warehouse.
- (5) A daily record of the date and time of the tests, including the percentage of carbon dioxide, percentage of oxygen and the temperature.

SEC. 13. The identity of any fruits or vegetables represented as having been stored in a room or warehouse subject to the provisions of this act shall be maintained, by the CA number issued to the licensee in whose warehouse such fruits and vegetables were stored and the state lot inspection number issued by the director for such fruits or vegetables, from the time it leaves such warehouse through the various channels of trade and transportation to the retailer.

Identity of produce stored retained.

SEC. 14. The director may by rule establish condition and maturity standards for fruits or vegetables subject to the provisions of this act which may be higher than maturity and condition standards established for similar grades or classifications of such fruits or vegetables which are not subject to the provisions of this act.

Condition and maturity standards, generally.

SEC. 15. Minimum condition and maturity standards for apples subject to the provisions of this act shall be the U. S. condition and maturity standards for export as provided in 7 Code of Federal Regu-

Condition and maturity standards for apples.

lations 51.317 on the effective date of this act: *Provided*, That the director may adopt any subsequent amendment to such U. S. condition and maturity standards for export prescribed by the secretary of agriculture of the United States.

Inspection
requisite to
use of ware-
house number.

SEC. 16. No person in this state shall place or stamp the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or subcontainer of any fruits or vegetables, unless the director has inspected such fruits or vegetables and issued a state lot number for such fruits or vegetables in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse licensed under the provisions of this act and that they meet all other requirements of this act or rules adopted hereunder: *Provided*, That if such fruits or vegetables are not allowed to enter the channels of commerce within two weeks of such inspection or a subsequent similar inspection by the director the letters "CA" and the state lot number shall be eradicated by the licensee.

Application for
inspection and
certification.

SEC. 17. Any person financially interested in any fruits or vegetables subject to the provisions of this act may apply to the director for inspection and certification as to whether such fruits or vegetables meet the requirements provided for in this act or rules adopted hereunder.

Inspection and
certification
fees.

SEC. 18. The director shall prescribe the necessary fees to be charged to the licensee or owner for the inspection and certification of any fruits or vegetables subject to the provisions of this act or rules adopted hereunder. The fees provided for in this section shall become due and payable by the end of the next business day and if such fees are not paid within the prescribed time, the director may withdraw inspection or refuse to perform any inspection or certification services for the person in arrears: *Provided*, That the director in such instances may

demand and collect inspection and certification fees prior to inspecting and certifying any fruits or vegetables for such person.

SEC. 19. Every inspection certificate issued by the director under the provisions of this act shall be received in all courts of the state as prima facie evidence of the statement therein.

Inspection
certificate as
evidence.

SEC. 20. All moneys collected under the provisions of this act for the inspection and certification of any fruits or vegetables subject to the provisions of this act shall be handled and deposited in the manner provided for in chapter 15.16 RCW, as enacted or hereafter amended, for the handling of inspection and certification fees derived for the inspection of any fruits and vegetables.

Disposition
of moneys
received.

SEC. 21. It shall be unlawful for any person to sell, offer for sale, hold for sale, or transport for sale any fruits or vegetables represented as having been exposed to "controlled atmosphere storage" or to use any such term or form of words or symbols of similar import unless such fruits or vegetables have been stored in controlled atmosphere storage which meets the requirements of this act or rules adopted hereunder.

Unlawful
representa-
tions.

SEC. 22. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs or is about to occur, notwithstanding the existence of any other remedies at law.

Injunctive
process
available.

SEC. 23. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Act non-
exclusive.

SEC. 24. The enactment of this act shall not have the effects of terminating, or in any way modifying

Savings.

any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Penalties.

SEC. 25. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for and subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

Intergovernmental cooperation.

SEC. 26. The director may cooperate with and enter into agreements with governmental agencies of this state, other states and agencies of federal government in order to carry out the purpose and provisions of this act.

Severability.

SEC. 27. 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.

Effect on present storage.

SEC. 28. Any fruits or vegetables now in controlled atmosphere storage and removed after the effective date of this act may be marked, shipped, represented and sold as having been exposed to controlled atmosphere storage if such fruits and vegetables meet the requirements of this act and the rules and regulations adopted hereunder.

Emergency.

SEC. 29. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the agricultural industry of the state, and shall take effect immediately.

Passed the Senate February 2, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 30.

[S. B. 254.]

MACARONI WORKERS' PERMITS.

AN ACT relating to macaroni workers; and amending sections 16 and 17, chapter 190, Laws of 1939 and RCW 69.16.115 and 69.16.120.

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

SECTION 1. Section 16, chapter 190, Laws of 1939 and RCW 69.16.115 are each amended to read as follows:

RCW 69.16.115 amended.

No person shall work or be permitted to work in any macaroni factory in storing, preparing, mixing, or handling any macaroni product or any ingredient thereof without holding a food and beverage service worker's permit as prescribed by the state board of health as provided for in RCW 69.06.010. These permits shall be further subject to the provisions of RCW 69.06.020, 69.06.050 and 69.06.060.

Macaroni workers to secure permits.

SEC. 2. Section 17, chapter 190, Laws of 1939 and RCW 69.16.120 are each amended to read as follows:

RCW 69.16.120 amended.

Any food and beverage service worker's permit shall be revoked in accordance with procedures prescribed by the state board of health at any time the holder thereof is found to be afflicted with any communicable or infectious disease. Refusal of any person employed in a macaroni factory to furnish evidence of freedom from any communicable or infectious disease upon proper demand by the state board of health or a local health officer shall be cause for revocation of that person's food and beverage service worker's permit.

Denial, revocation of permit.

Passed the Senate February 2, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 31.

[H. B. 52.]

PORT DISTRICTS—COORDINATION OF ADMINISTRATIVE PROGRAMS.

AN ACT relating to port districts; providing for the improvement and coordination of port district administrative procedures and operations.

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

Legislative determination.

SECTION 1. The necessity and desirability of coordinating the administration programs and operations of all the port districts in this state is recognized and declared as a matter of legislative determination.

Coordination of administrative programs of port commissions, reports of.

SEC. 2. It shall be the duty of the port district commissions in the state to take such action to effect the coordination of the administrative programs and operations of each port district in the state and to submit to the governor and the legislature biennially a joint report or joint reports containing the recommendations for procedural changes which would increase the efficiency of the respective port districts.

Coordinating agency.

SEC. 3. The port district commissions in this state are empowered to designate the Washington public ports association as a coordinating agency through which the duties imposed by section 2 of this act may be performed, harmonized or correlated. The purposes of the Washington public ports association shall be:

Purposes of public ports association.

(1) To initiate and carry on the necessary studies, investigations and surveys required for the proper development and improvement of the commerce and business generally common to all port districts, and to assemble and analyze the data thus obtained and to cooperate with the state of Washington, port districts both within and without the state of Washington, and other operators of terminal and transportation facilities for this purpose, and to make

such expenditures as are necessary for these purposes, including the proper promotion and advertising of all such properties, utilities and facilities;

(2) To exchange information relative to port construction, maintenance, operation, administration and management;

(3) To promote and encourage port development along sound economic lines;

(4) To promote and encourage the development of transportation, commerce and industry;

(5) To operate as a clearing house for information, public relations and liaison for the port districts of the state and to serve as a channel for cooperation among the various port districts and for the assembly and presentation of information relating to the needs and requirements of port districts to the public.

SEC. 4. Each port district which designates the Washington public ports association as the agency through which the duties imposed by section 2 of this act may be executed is authorized to pay dues and/or assessments to said association from port district funds in any calendar year in an amount not exceeding a sum equal to revenues of one twenty-fifth of a mill levy against the assessed valuation of the property within the port district.

Dues for support of public ports association.

SEC. 5. The port district commissions are authorized to take such further action as they deem necessary to comply with the intent of this act, including the attendance at state and district meetings which may be required to formulate the reports provided for in section 2 of this act.

Further action authorized.

SEC. 6. The financial records of the Washington public ports association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Auditing financial records of public ports association.

Passed the House January 31, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 32.

[H. B. 71.]

REGISTRATION OF VOTERS—CANCELLATION.

AN ACT relating to the registration of voters; and amending section 20, chapter 1, Laws of 1933 and RCW 29.10.090; and amending section 21, chapter 1, Laws of 1933, as last amended by section 5, chapter 68, Laws of 1947, and RCW 29.10.110.

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

RCW 29.10.090 amended.

SECTION 1. Section 20, chapter 1, Laws of 1933 and RCW 29.10.090 are each amended to read as follows:

Registration cancellations, cancellation for death.

The local registrar of vital statistics in cities of the first class shall submit monthly to the city clerk a list of the names and addresses, if known, of all persons over twenty-one years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the county auditor thereof. The county auditor shall prepare from said lists a separate list of deceased persons for each city or town within the county, except cities of the first class, and mail the same to the city clerks thereof. The various city clerks and county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters.

In addition to the above manner of cancelling registration records of deceased voters, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his personal knowledge or belief another registered voter is deceased. Upon the receipt of such signed statement, the appropriate registration officer shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the

secretary of state shall in turn cancel his copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The respective county auditors and city and town clerks shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct election officers at each polling place on the day of an election.

SEC. 2. Section 21, chapter 1, Laws of 1933, as last amended by section 5, chapter 68, Laws of 1947, and RCW 29.10.110 are each amended to read as follows:

RCW 29.10.110
amended.

Every city clerk and county auditor shall carefully preserve in a separate file, to be kept in his office for that purpose, all original and duplicate registration cards canceled. The files for the preservation of canceled registration cards, shall be arranged and kept in alphabetical order irrespective of the precincts from which the canceled cards were received and the signed statement used as the authority for cancellation as provided in RCW 29.10.090 shall be firmly affixed to the canceled duplicate registration card (Permanent Registration Form No. 2).

Record of
cancellations.

The city clerk and the county auditor may destroy all original cards (Permanent Registration Form No. 1) that have been canceled for a period of four years or more.

Passed the House January 30, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 33.

[H. B. 149.]

TOWNS—OFF-STREET PARKING.

AN ACT authorizing towns of the fourth class to acquire, operate, and maintain off-street parking facilities.

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

Off-street parking facilities for towns authorized.

SECTION 1. Towns of the fourth class are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

Financing.

SEC. 2. In order to provide for off-street parking space and/or facilities, such towns are authorized, in addition to their powers for financing public improvements, to finance their acquisition through the issuance and sale of revenue bonds and general obligation bonds. Any bonds issued by such towns pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state. In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35, RCW as now or hereafter amended. Such towns may finance from their general budget, costs of land acquisition, planning, engineering, location, design and construction to the off-street parking.

Acquisition of property—Future disposition.

SEC. 3. Such towns are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property may be sold, transferred, exchanged, leased, or otherwise disposed of by the town when its legislative body has determined by ordinance such prop-

erty is no longer necessary for off-street parking purposes.

SEC. 4. Such towns are authorized to establish the methods of operation of off-street parking space and/or facilities by ordinance, which may include leasing or municipal operation.

Operation
methods.

SEC. 5. Before the establishment of any off-street parking space and/or facilities, the town shall hold a public hearing thereon, prior to the adoption of any ordinance relating to the leasing or acquisition of property, and for the financing thereof for this purpose.

Public hearing
requisite to
ordinance.

SEC. 6. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

SEC. 7. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Act controls.

Passed the House February 6, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 34.

[H. B. 156.]

COOPERATIVE ASSOCIATIONS—PERPETUAL TERM AUTHORIZED.

AN ACT relating to cooperative associations; amending section 2, chapter 19, Laws of 1913 and RCW 23.86.050; and amending section 6, chapter 19, Laws of 1913 and RCW 23.86.090.

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

SECTION 1. Section 2, chapter 19, Laws of 1913 and RCW 23.86.050 are each amended to read as follows:

RCW 23.86.050
amended.

Cooperative
associations.
Articles—
Contents.

Every association formed under this chapter shall prepare articles of association in writing, which shall set forth:

- (1) The name of the association.
- (2) The purpose for which it was formed.
- (3) Its principal place of business.
- (4) The term for which it is to exist which may be perpetual.
- (5) The amount of capital stock, the number of shares and the par value of each share.

RCW 23.86.090
amended.

SEC. 2. Section 6, chapter 19, Laws of 1913 and RCW 23.86.090 are each amended to read as follows:

Amendments
to articles.

The articles of association may be amended by a majority vote of the stockholders at any regular stockholder's meeting or at any special stockholders' meeting called for that purpose, on twenty days' written notice being given to the stockholders. The power to amend shall include the power to extend the period of its duration for a further definite time or perpetually, and also include the power to increase or diminish the amount of capital stock and the number of shares: *Provided*, The amount of the capital stock shall not be diminished below the amount of the paid-up capital stock at the time such amendment is adopted. Within thirty days after the adoption of an amendment to its articles of association, the association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state and of the county auditor of the county where its principal place of business is located.

Passed the House January 30, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 35.

[H. B. 162.]

COUNTY OFFICIALS, EMPLOYEES—RCW CORRECTIONS.

AN ACT relating to county officers, deputies and employees; enacting RCW 36.17.030 and 36.28.020; validating prior acts and proceedings; and declaring an emergency.

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

SECTION 1. RCW 36.17.030 is enacted to read as follows: RCW 36.17.030 enacted.

All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed eight cents per mile for each mile of necessary travel. County officers. Expenses.

Note: See also section 1, chapter 79, Laws of 1961.

SEC. 2. RCW 36.28.020 is enacted to read as follows: RCW 36.28.020 enacted.

Every deputy sheriff shall possess all the power, and may perform any of the duties, prescribed by law to be performed by the sheriff, and shall serve or execute, according to law, all process, writs, precepts, and orders, issued by lawful authority. Sheriffs. Powers of deputies, regular and special.

Persons may also be deputed by the sheriff in writing to do particular acts; including the service of process in civil or criminal cases, and the sheriff shall be responsible on his official bond for their default or misconduct.

SEC. 3. All acts or proceedings undertaken, performed, or exercised under sections 1 and 2 of this act, or any right acquired or liability incurred thereunder, prior to the effective date of this act, are hereby declared valid and of full force and effect. Savings.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, Emergency.

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

Passed the House January 27, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

Explanatory note.

EXPLANATORY NOTE

Substitute House Bill No. 400 (chapter 219, Laws of 1957) was a bill relating to county officers, deputies and employees.

Sections 1 through 3 of the bill attempted to follow the established legislative practice of setting forth all of the RCW components of divided and combined session laws thereby setting forth the session laws in full. Section 1 containing the legislative direction referred to all of the session law sources and also referred to RCW 36.16.070, 36.17.020, 36.17.030 and 36.28.020 as being "divided and amended to read as set forth in sections 2 through 5 of this act". Apparently through inadvertence RCW 36.17.030 and 36.28.020 were omitted from the bill. In order to assure session law background for these code sections, they are herewith presented for enactment.

CHAPTER 36.

[H. B. 259.]

MALT LIQUOR—LABELS ON PACKAGES.

AN ACT relating to malt liquor and regulating the labeling of packages thereof; and amending section 44, chapter 62, Laws of 1933, extraordinary session and RCW 66.28.120.

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

RCW 66.28.120 amended.

SECTION 1. Section 44, chapter 62, Laws of 1933, extraordinary session and RCW 66.28.120 are each amended to read as follows:

Malt liquor to be labeled.

Every person manufacturing or distributing malt liquor for sale within the state shall put upon all packages containing malt liquor so manufactured or distributed a distinctive label showing the nature of the contents, the name of the person by whom the malt liquor was manufactured, and the place where it was manufactured. For the purpose of this section, the contents of packages containing malt liquor shall be shown by the use of the word "beer," "ale," "stout," or "porter," on the outside of the packages.

Passed the House February 9, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 37.

[H. B. 13.]

SECURITIES ACT OF WASHINGTON.

AN Act relating to securities; defining terms; defining powers and duties; establishing fees; amending sections 60, 5, 9, 18, 19, 23, 27, 32 and 34 of chapter 282, Laws of 1959 and RCW 21.20.005, 21.20.050, 21.20.090, 21.20.180, 21.20.190, 21.20.230, 21.20.270, 21.20.320 and 21.20.340; and adding a new section to chapter 282, Laws of 1959 and to chapter 21.20 RCW.

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

SECTION 1. Section 60, chapter 282, Laws of 1959 and RCW 21.20.005 are each amended to read as follows:

RCW 21.20.005 amended.

When used in this chapter, unless the context otherwise requires:

Securities act.

(1) "Director" means the director of licenses of this state.

Definitions.

(2) "Salesman" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect sales of securities, but "salesman" does not include an individual who represents an issuer in (a) effecting a transaction in a security exempted by RCW 21.20.310 (1), (2), (3), (4), (9), (10), or (11), (b) effecting transactions exempted by RCW 21.20.320, or (c) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state.

(3) "Broker-dealer" means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. "Broker-dealer" does not include (a) a salesman, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through

the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in subsection (b) above.

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends.

(5) "Full business day" means all calendar days, excluding therefrom Saturdays, Sundays, and all legal holidays, as defined by statute.

(6) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company, (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a broker-dealer, (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation, (e) a person whose advice, analyses, or reports relate only to securities exempted by RCW 21.20.310 (1), (f) a person who has no place of business in this state if (i) his only clients in this state are other investment advisers, broker-dealers, banks, savings institutions, trust companies, insurance com-

panies, investment companies as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (i) above, or (g) such other persons not within the intent of this paragraph as the director may by rule or order designate.

(7) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type; the term "issuer" means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued.

(8) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(9) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interest of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government.

(10) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(11) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after the effective date of this chapter.

(12) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; pre-organization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease; or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(13) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

SEC. 2. Section 5, chapter 282, Laws of 1959 and RCW 21.20.050 are each amended to read as follows:

A broker-dealer, salesman, or investment adviser may apply for registration by filing with the director an application together with a consent to service of process in such form as the director shall prescribe and payment of the fee prescribed in RCW 21.20.340.

RCW 21.20.050 amended.

Broker-dealer, salesman, investment adviser. Application for registration.

SEC. 3. Section 9, chapter 282, Laws of 1959 and RCW 21.20.090 are each amended to read as follows:

Registration of a broker-dealer, salesman or investment adviser may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, salesman or investment adviser filed with the director by the applicant, payment of the prescribed fee, and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, and the administrator may at his discretion grant or deny the application.

RCW 21.20.090 amended.

Renewal of registration—Financial statement—Application for a successor.

SEC. 4. Section 18, chapter 282, Laws of 1959 and RCW 21.20.180 are each amended to read as follows:

Any security for which a registration statement has been filed under the securities act of 1933 or any securities for which filings have been made pursuant to rules and regulations A and A-M pursuant to subsection (b) of Sec. 3 of said securities act in connection with the same offering may be registered by coordination. A registration statement under this

RCW 21.20.180 amended.

Registration by coordination. Requirements—Statement, contents.

section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in RCW 21.20.340 and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section:

(1) One copy of the prospectus, offering circular and/or letters of notification, filed under the securities act of 1933 together with all amendments thereto;

(2) The amount of securities to be offered in this state;

(3) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed;

(4) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the securities and exchange commission;

(5) If the director, by rule or otherwise, requires a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(6) If the director requests, any other information, or copies of any other documents, filed under the securities act of 1933; and

(7) An undertaking to forward promptly all amendments to the federal registration statement, offering circular and/or letters of notification, other than an amendment which merely delays the effective date.

RCW 21.20.190 amended.

SEC. 5. Section 19, chapter 282, Laws of 1959 and RCW 21.20.190 are each amended to read as follows:

Time of taking effect of statement—Conditions.

A registration statement by coordination under RCW 21.20.180 automatically becomes effective at

the moment the federal registration statement or other filing becomes effective if all the following conditions are satisfied:

(1) No stop order is in effect and no proceeding is pending under RCW 21.20.280 and 21.20.300;

(2) The registration statement has been on file with the director for at least ten full business days; and

(3) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two full business days or such shorter period as the director permits by rule or otherwise and the offering is made within those limitations. The registrant shall promptly notify the director by telephone or telegram of the date and time when the federal registration statement or other filing became effective and the content of the price amendment, if any, and shall promptly file a post-effective amendment containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call prices, and other matters dependent upon the offering price.

"Price amendment".

SEC. 6. Section 23, chapter 282, Laws of 1959 and RCW 21.20.230 are each amended to read as follows:

RCW 21.20.230 amended.

A registration statement by qualification under RCW 21.20.210 becomes effective if no stop order is in effect and no proceeding is pending under RCW 21.20.280 and 21.20.300, at three o'clock Pacific standard time in the afternoon of the fifteenth full business day after the filing of the registration statement or the last amendment, or at such earlier time as the director determines. The director may require as a condition of registration under this section that a prospectus containing any designated

Registration by qualification. Time of taking effect of statement—Conditions.

part of the information specified in RCW 21.20.210 be sent or given to each person to whom an offer is made before or concurrently with (1) the first written offer made to him (otherwise than by means of a public advertisement) by or for the account of the issuer or any other person on whose behalf the offering is being made, or by any underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by him as a participant in the distribution, (2) the confirmation of any sale made by or for the account of any such person, (3) payment pursuant to any such sale, or (4) delivery of the security pursuant to any such sale, whichever first occurs; but the director shall accept for use under any such requirement a current prospectus or offering circular regarding the same securities filed under the securities act of 1933 or regulations thereunder.

RCW 21.20.270
amended.

SEC. 7. Section 27, chapter 282, Laws of 1959 and RCW 21.20.270 are each amended to read as follows:

Reports by
filer of state-
ment—Annual
financial
statements.

(1) The director may require the person who filed the registration statement to file reports, not more often than quarterly to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering with respect to registered securities which (a) are issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust as those terms are defined in the investment company act of 1940, or (b) are being offered and sold directly by or for the account of the issuer.

(2) During the period of public offering of securities registered under the provisions of this chapter by notification or qualification financial data or statements corresponding to those required under the provisions of RCW 21.20.160 and 21.20.210 and to the

issuer's fiscal year shall be filed with the director annually, not more than ninety days after the end of each such year. If such statements are not certified the director may verify them by examining the issuer's books and records.

SEC. 8. Section 32, chapter 282, Laws of 1959 and RCW 21.20.320 are each amended to read as follows:

RCW 21.20.320
amended.

Except as hereinafter in this section expressly provided, RCW 21.20.040 through 21.20.300, inclusive, shall not apply to any of the following transactions:

Exempt trans-
actions—
Denial, revoca-
tion of.

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the investment company act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offer directed by the offerer to not more than twenty persons (other than those designated in subsection (8) of this section) in this state during any period of twelve consecutive months, whether or not the offerer or any of the offerees is then present in this state, if (a) the seller reasonably believes that all the buyers are purchasing for investment, and (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including per-

sons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the securities act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

(15) The offer or sale by a registered broker-dealer, acting either as principal or agent, of securities previously sold and distributed to the public: *Provided, That:*

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess

of usual and customary commissions collected with respect to securities and transactions having comparable characteristics:

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

The director may by order deny or revoke the exemption specified in subsection (2) of this section with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

SEC. 9. Section 34, chapter 282, Laws of 1959 and RCW 21.20.340 are each amended to read as follows:

RCW 21.20.340
amended.

The following fees shall be paid in advance under the provisions of this chapter:

Fees—
Disposition.

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the investment company act of 1940, the fee shall be fifty dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: *Provided, however,* That an issuer may upon the payment of a twenty-five dollar fee renew for an additional twelve month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the fee shall be twenty-five dollars for initial filing fee for the first twelve month period plus twenty-five dollars for each additional twelve months in which the same offering is continued.

(4) For filing an annual statement, the fee shall be ten dollars.

(5) For registration of a broker-dealer or investment adviser, the fee shall be fifty dollars for original registration and twenty-five dollars for each annual renewal. When an application is denied

or withdrawn the director shall retain one-half of the fee.

(6) For registration of a salesman, the fee shall be ten dollars for original registration with each employer and five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For written examination for registration as a salesman, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be twenty-five dollars.

(8) (a) For the transfer of a broker-dealer license to a successor, the fee shall be twenty-five dollars.

(b) For the transfer of a salesman from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be ten dollars.

(9) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(10) All fees collected under this chapter shall be turned in to the state treasury and shall not be refundable, except as herein provided.

New section.

SEC. 10. There is added to chapter 282, Laws of 1959 and to chapter 21.20 RCW a new section to read as follows:

Requisite before action to collect commission for sale of security.

No suit or action shall be brought for the collection of a commission for the sale of a security, as defined within this chapter without alleging and proving that the plaintiff was either a duly licensed salesman for an issuer or a broker-dealer, or a duly licensed broker-dealer in this state or another state at the time the alleged cause of action arose.

Passed the House February 16, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 38.

[H. B. 40.]

PORT DISTRICTS—POLICE REGULATIONS—
ENFORCEMENT.

AN ACT relating to port districts; and providing for the promulgation and enforcement of police regulations governing public use of port district properties and facilities.

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

SECTION 1. A port district may formulate all needful regulations for the use by tenants, agents, servants, licensees, invitees, suppliers, passengers, customers, shippers, business visitors and members of the general public of any properties or facilities owned or operated by it, and request the adoption, amendment or repeal of such regulations as part of the ordinances of the city or town in which such properties or facilities are situated, or as part of the resolutions of the county, if such properties or facilities be situated outside any city or town. The port commission shall make such request by resolution after holding a public hearing on the proposed regulations, of which at least ten days' notice shall be published in a legal newspaper of general circulation in the port district. Such regulations must conform to and be consistent with federal and state law. As to properties or facilities situated within a city or town, such regulations must conform to and be consistent with the ordinances of the city or town. As to properties or facilities situated outside any city or town, such regulations must conform to and be consistent with county resolutions. Upon receiving such request, the governing body of the city, town or county, as the case may be, may adopt such regulations as part of its ordinances or resolutions, or amend or repeal such regulations in accordance with the terms of the request. Any violation of such regulations shall constitute a misdemeanor

Regulations governing public use of port district facilities.

Violation, misdemeanor.

which shall be redressed in the same manner as other police regulations of the city, town or county, and it shall be the duty of all law enforcement officers to enforce such regulations accordingly.

Motor vehicle
or police regu-
lation in port
districts—
Plat filed.

SEC. 2. A port district may at its option file with the county auditor a plat of any of its properties or facilities, showing thereon such private streets, alleys, access roads, parking areas, parks and other places as the port district may wish to have treated as public for purposes of motor vehicle or other police regulations. Such plat may be amended at any time by the filing of an amendatory plat, and may be vacated at any time by the filing of a resolution of vacation. So long as any such plat or amendatory plat is on file and not vacated, the motor vehicle or other police regulations of the state, and the motor vehicle regulations of the city, town or county, as the case may be, in which the areas described in the plat are situated, shall apply to such areas as though they were public streets, alleys, access roads, parking areas, parks or other places, and it shall be the duty of all state and local law enforcement officers to enforce such regulations accordingly.

Passed the House February 16, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 39.

[H. B. 190.]

NOTE: THIS LAW WAS REPEALED BY CHAPTER 149, LAWS OF 1961.

WORLD FAIR—SPORTS CENTER—MUNICIPAL
PARTICIPATION.

AN ACT relating to world fairs or expositions, sports arena, center or coliseum and the participation of the political subdivisions and municipal corporations of the state therein; authorizing the acquisition and disposal of real or personal property by purchase, lease, or otherwise; authorizing the construction, improvement, maintenance, equipping, and disposal of buildings or other structures; declaring a purpose; authorizing appropriations be made; providing financing procedures; and declaring an emergency.

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

SECTION 1. "Municipality" as used in this act, means any political subdivision or municipal corporation of the state.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 2. The participation of any municipality in any world fair or exposition, sports arena, center or coliseum whether held within the boundaries of such municipality or within the boundaries of another municipality; the purchase, lease, or other acquisition of necessary lands therefor; the acquisition, lease, construction, improvement, maintenance, and equipping of buildings or other structures upon such lands or other lands; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to such municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property acquired, constructed, improved, maintained, equipped, used, and disposed of by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired, constructed, improved, maintained, equipped, used, and disposed

of for public, governmental, county, and municipal purposes and as a matter of public necessity.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 3. Municipalities are authorized to participate in any world fair or exposition, sports arena, center or coliseum to be held by the state or any political subdivision or municipal corporation thereof, whether held within the boundaries of such municipality or within the boundaries of another municipality. Any municipality so participating is authorized, through its governing authorities, to purchase, lease, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of bonds of the municipality, as the governing authority of the municipality may determine.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 4. Any bonds to be issued by any municipality pursuant to the provisions of section 3 of this act, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: *Provided*, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 5. The governing bodies having power to appropriate moneys within such municipalities for the purpose of purchasing, leasing or otherwise ac-

quiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such world fair or exposition, sports arena, center or coliseum are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out such purpose.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 6. In any case where the participation of a municipality includes the construction of buildings or other structures on lands of another municipality, the governing authorities constructing such buildings or structures shall endeavor to cooperate with such other municipality for the construction and maintenance of such buildings or structures to a standard of health and safety common in the county where the world fair or exposition, sports arena, center or coliseum is being or will be held; and shall cooperate with such other municipality in any comprehensive plans it may promulgate for the general construction and maintenance of said world fair or exposition, sports arena, center or coliseum and utilization of the grounds and buildings or structures after the conclusion of such world fair or exposition, sports arena, center or coliseum to the end that a reasonable, economic use of said buildings or structures shall be returned for the life of said buildings or structures.

The governing authorities of any municipality are hereby authorized and empowered to sell, exchange, transfer, lease or otherwise dispose of any property, real or personal, acquired or constructed for the purpose of participation in such fair or exposition, sports arena, center or coliseum in accordance with the provisions of RCW 39.33.010.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 7. The powers and authority conferred upon municipalities under the provisions of this act, shall

be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 8. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Note: See also section 8, chapter 149, Laws of 1961.

SEC. 9. 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.

Note: See also section 8, chapter 149, Laws of 1961.

Passed the House February 16, 1961.

Passed the Senate February 15, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 40.

[H. B. 94.]

FOREST PRACTICES—BOND TO SECURE COMPLIANCE WITH LAW—RESTOCKING COSTS.

AN ACT relating to forest practices; authorizing the employment of inspectors; providing for powers of suspension of certain operations; increasing the amount of cash deposit or bond to assure compliance with forestry practices; creating a deposit fund; and amending section 8, chapter 193, Laws of 1945, as last amended by section 2, chapter 115, Laws of 1955 and RCW 76.08.080.

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

SECTION 1. Section 8, chapter 193, Laws of 1945, as last amended by section 2, chapter 115, Laws of

RCW 76.08.080
amended.

1955 and RCW 76.08.080, are each amended to read as follows:

The supervisor may employ a sufficient number of technically trained foresters as inspectors to enable him to maintain an inspection service deemed adequate to secure compliance with the provisions of this chapter. In the event that an owner or operator fails, refuses or neglects to comply with the provisions of this chapter, the supervisor may order the particular operation in which the violation occurs discontinued until the owner or operator gives satisfactory assurance that he will resume operations in compliance with the provisions of this chapter and furnishes cash deposit or bond in lieu thereof as fixed by the supervisor, on the basis of not to exceed twenty-four dollars per acre for that portion of the area which through his failure to carry out the provisions of this chapter does not have sufficient source of seed to adequately restock the area. Such order may be enforced by injunction proceedings. The cash deposit or bond shall be furnished to insure that the owner or operator will artificially restock the area for which the money was collected, within five years. If at the end of the five years the owner or operator has not artificially restocked the area, or the area has not become adequately restocked, the cash deposit shall be forfeited, or if the owner or operator has posted bond in lieu of making cash deposit he shall within thirty days after notification in writing by the supervisor furnish the amount of money for which he posted bond. The supervisor shall place this money in a special deposit fund of the state treasury to be used for artificially restocking the land on which the deposit was made. The supervisor shall artificially restock the area within two years after the deposit was forfeited, using the money in the special deposit fund collected from the owner for that purpose. In the event that the full

Forest
practices.
Enforcement—
Discontinu-
ance of operat-
ion—Deposit
of bond—
Penalty.

amount of money forfeited for any specified area is not required by the supervisor to restock the area, the unexpended balance shall be returned to the depositor. Until compliance is so assured, the supervisor shall also have power to prevent any new operation or operations in this state by the delinquent operator. If a violation occurs resulting from failure to provide adequate seed sources as provided in this chapter and a bond or cash deposit has not been furnished by the owner or operator and the area or any part thereof is not adequately restocked five years after cutting, then one year after written notice to the owner and operator to their last known address, and if such owner or operator has not adequately restocked the area, then it shall be restocked by the supervisor, however, the supervisor shall not expend more than twenty-four dollars per acre in restocking such areas. Expenses reasonably incurred by the supervisor in restocking the area may be recovered by the supervisor from the owner and/or operator and they shall constitute a lien upon the land restocked, which lien may be enforced in the same manner and with the same effect as a mechanics' lien.

Passed the House February 17, 1961.

Passed the Senate February 16, 1961.

Approved by the Governor February 21, 1961.

CHAPTER 41.

[H. B. 53.]

CIVIL ACTIONS—NO FEE FOR DISMISSAL ON RECORD.

AN ACT relating to the fees of clerks of the superior courts; and amending section 5, chapter 51, Laws of 1951 and RCW 36.18.020.

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

SECTION 1. Section 5, chapter 51, Laws of 1951 and RCW 36.18.020 are each amended to read as follows:

RCW 36.18.020 amended.

Clerks of superior courts shall collect the following fees for their official services: The plaintiff, or other party instituting any civil action or proceeding, or the appellant on appeal from justice court, when the case is entered in the superior court or when the first paper on his part is filed therein, shall pay a fee of five dollars;

Clerk of superior court — Fees.

For defendant, or other adverse party, or any one or more of several defendants or other adverse parties, or interveners, appearing separately from the others, or a respondent on appeal from justice court, shall pay when his or their appearance is entered in the cause, or when his or their first appearance is filed therein, a fee of three dollars;

For preparing and certifying copies, or transcripts of records, with or without seal for the first legal size page, one dollar; for each additional legal size page, fifty cents;

For the certifying of copies furnished or transcripts of records furnished which copies or transcripts are not prepared by the clerk, one dollar for the first legal size or smaller page and twenty-five cents for each additional legal size or smaller page;

For the entry of judgment or dismissal in all civil actions, with or without costs, three dollars shall be paid if no adverse party has appeared; otherwise

six dollars: *Provided*, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court;

In probate proceedings, the party instituting such proceedings shall pay, at the time of the filing of the first paper therein, a fee of six dollars; upon the filing of a petition for the sale of real estate, there shall be paid at the time of filing such petition a fee of three dollars; upon the filing of a final account in the settlement of the decedent's estate, there shall be paid a fee of six dollars; for filing any petition to contest a will admitted to probate, there shall be paid a fee of twenty-five dollars;

For filing the transcript of a judgment from any United States court held in this state, or from the superior court of another county or from a justice court, the clerk shall collect three dollars;

For issuing a commission to take a deposition, the clerk shall collect one dollar, which shall be in addition to other fees in civil matters;

For approving a bond in an ordinary civil action or in a probate proceeding there shall be no charge; in all other cases the charge shall be one dollar;

For taking an affidavit, for filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect one dollar.

Note: See also section 1, chapter 304, Laws of 1961.

Passed the house January 26, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 42.

[H. B. 67.]

COURT COMMISSIONERS—RESIDENCY QUALIFICATION
REMOVED.

AN ACT relating to court commissioners; and amending section 1, chapter 124, Laws of 1909 and RCW 2.24.010.

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

SECTION 1. Section 1, chapter 124, Laws of 1909 and RCW 2.24.010 are each amended to read as follows:

RCW 2.24.010 amended.

There may be appointed in each county, by the judge of the superior court having jurisdiction therein, a court commissioner for said county. Such commissioner shall be a citizen of the United States and an elector of the county in which he may be appointed, and shall hold his office during the pleasure of the judge appointing him.

Court commissioner. Appointment—Qualifications—Term.

Passed the House January 26, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 43.

[H. B. 73.]

ELECTION OFFICERS—FEES AND COMPENSATION.

AN ACT relating to elections; prescribing fees for election officers; and amending section 12, page 52, Laws of 1866 as last amended by section 1, chapter 67, Laws of 1951, and RCW 29.45.120.

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

RCW 29.45.120 amended.

SECTION 1. Section 12, page 52, Laws of 1866 as last amended by section 1, chapter 67, Laws of 1951, and RCW 29.45.120 are each amended to read as follows:

Precinct election officers. Compensation.

The fees of officers of election shall be as follows:
To the judges and clerks of an election not less than one dollar, nor more than one dollar and fifty cents per hour for full time employed by each of them, the exact amount to be fixed by the respective boards of county commissioners for each county. To inspectors, the rate paid to judges and clerks plus an additional two hours' compensation. The precinct election officer picking up the election supplies and returning the election returns to the county auditor shall be entitled to additional compensation, the exact amount to be determined by the respective boards of county commissioners for each county.

Passed the House February 1, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 44.

[H. B. 87.]

PUBLIC AND STATE FOREST LANDS—ACCESS ROADS.

AN ACT relating to access to public and state forest lands; authorizing the acquisition of access; providing for means of facilitating acquisition and for disposal of access; authorizing use of access by specified persons subject to reasonable conditions; authorizing the department of natural resources to create, maintain and administer an access road revolving fund; providing for reimbursement of costs for acquisition of access; and declaring an emergency.

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

SECTION 1. In addition to any authority otherwise granted by law, the department of natural resources shall have the authority to acquire lands, interests in lands, and other property for the purpose of affording access by road to public lands or state forest lands from any public highway.

Access roads to public and forest land, department may acquire property for.

SEC. 2. To facilitate the carrying out of the purpose of this act, the department of natural resources may:

Powers incident to acquisition.

(1) Grant easements, rights of way, and permits to cross public lands and state forest lands to any person in exchange for similar rights over lands not under its jurisdiction;

(2) Enter into agreements with any person relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads;

(3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this act.

SEC. 3. Purchasers of valuable materials from public lands or state forest lands may use access roads for the removal of such materials where the

Public use, restrictions on.

rights acquired by the state will permit, but use shall be subject to the right of the department of natural resources:

- (1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and
- (2) To impose reasonable charges for the use of such access roads.

Permits for regulated use.

SEC. 4. Whenever the department of natural resources finds that it is for the best interest of the state and where the rights acquired by the state will permit, the department may grant permits for the use of access roads to any person. Any permit issued under the authority of this section shall be subject to reasonable regulation by the department. Such regulation shall include, but is not limited to, the following matters:

- (1) Requirements for construction, reconstruction, maintenance, and repair;
- (2) Limitations as to extent and time of use;
- (3) Provision for revocation at the discretion of the department; and
- (4) Charges for use.

Access road revolving fund.

SEC. 5. The department of natural resources shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads. The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

Disposition of moneys other than into revolving fund.

SEC. 6. All moneys received by the department of natural resources from users of access roads which are not deposited in the access road revolving fund shall be paid as follows:

(1) To reimburse the state fund or account from which expenditures have been made for the acquisition and construction of the access road, and upon full reimbursement, then

(2) To the funds or accounts for which the public lands and state forest lands, to which access is provided, are pledged by law or constitutional provision, in which case the department of natural resources shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

SEC. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. **Severability.**

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. **Emergency.**

Passed the House January 30, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 45.

[Sub. H. B. 123.]

STATE LIBRARY COMMISSIONERS—EXPENSES.

AN ACT relating to the Washington state library commission; and amending section 1, chapter 5, Laws of 1941 and RCW 27.04.020.

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

RCW 27.04.020 amended.

Library commission created.

SECTION 1. Section 1, chapter 5, Laws of 1941 and RCW 27.04.020 are each amended to read as follows:

A state library commission is hereby created which shall consist of the superintendent of public instruction, who shall be ex officio chairman of said commission and four commissioners appointed by the governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one, two, three and four years respectively, and thereafter one commissioner shall be appointed each year to serve for a four year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but necessary expenses, not exceeding one thousand dollars per annum for the entire commission, shall be paid from the general funds appropriated and available for the use of the state library.

Passed the House February 6, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 46.

[H. B. 158.]

CITIES AND TOWNS—LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS—DELINQUENCY PERIOD.

AN ACT relating to local improvement district bonds and warrants; and amending sections 2, 3 and 6, chapter 244, Laws of 1943 and RCW 35.48.010, 35.48.020 and 35.48.050.

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

SECTION 1. Section 2, chapter 244, Laws of 1943 and RCW 35.48.010 are each amended to read as follows:

RCW 35.48.010 amended.

If any city or town has issued bonds or warrants payable from a local improvement or condemnation award fund, to which the local improvement guaranty fund law is not applicable, and if the assessment, or last installment thereof, against which the bonds or warrants were issued has been delinquent not more than thirty-two years, the city or town may create a special revolving fund and may provide moneys therefor by general tax levy, if the levy, together with other levies made or authorized by such city or town, will not exceed the levy which is legally allowed; or such city or town may place in said fund or advance or loan to said fund any money which it is not prohibited by law from advancing, loaning to or placing in said fund.

Nonguaranteed bonds and warrants—Revolving fund.

SEC. 2. Section 3, chapter 244, Laws of 1943 and RCW 35.48.020 are each amended to read as follows:

RCW 35.48.020 amended.

Any moneys in such revolving fund may be used for the purchase of unpaid delinquent local improvement warrants, or bonds and interest coupons thereon, issued by the city or town, payable from a local improvement district fund or condemnation award fund, to which the local improvement guaranty fund law is not applicable, if the assessment, or last installment thereof, against which the bonds or

Purchase of bonds, warrants, and coupons.

warrants have been issued, has been delinquent not more than thirty-two years. The maximum purchase price to be paid for said bonds or warrants shall be fixed by the municipality, and may from time to time be changed but shall never exceed fifty percent of the face value of the bonds, interest coupons, or warrants: *Provided*, That no warrants shall be issued payable from the revolving fund unless there is sufficient cash in said fund available for payment of such warrants.

RCW 35.48.050 amended.

Warrants on previous funds.

SEC. 3. Section 6, chapter 244, Laws of 1943 and RCW 35.48.050 are each amended to read as follows:

Whenever a city or town has heretofore by ordinance created a fund for use in purchasing delinquent local improvement or condemnation award bonds or warrants not protected by the local improvement guaranty fund law, and has purchased any such bonds or warrants and issued warrants payable from said fund, which warrants are unpaid because of lack of funds and have remained unpaid for a period of less than thirty-two years from date of issue thereof, the city or town may use any funds available in the revolving fund to purchase said warrants at such price as it may determine, but in no event at more than fifty percent of the face value, without interest.

Whenever all such warrants have been purchased or paid, the city or town may transfer to the revolving fund any bonds, warrants or other assets belonging to said fund first above mentioned, and thereafter such bonds, warrants or other assets shall be held and disposed of for the benefit of said revolving fund in the same manner as other funds and assets therein: *Provided*, That nothing contained in this chapter shall legalize any warrants heretofore issued or render any city or town liable thereunder.

Passed the House February 1, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 47.

[H. B. 284.]

INSTITUTIONS OF HIGHER LEARNING—CURRICULUM
—STATE HISTORY AND GOVERNMENT.

AN ACT relating to education; and amending section 6, page 238, Laws of 1909, section 3, chapter 89, Laws of 1919, section 1, chapter 80, Laws of 1933 and RCW 43.63.140; amending section 1, chapter 203, Laws of 1941 and RCW 28.05.050; and amending section 1, page 338, Laws of 1909, as last amended by section 2, chapter 80, Laws of 1933, and RCW 28.70.040.

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

SECTION 1. Section 6, page 238, Laws of 1909, section 3, chapter 89, Laws of 1919, and section 1, chapter 80, Laws of 1933 (heretofore combined and codified as RCW 43.63.140) are amended to read as follows:

RCW 43.63.140
amended.

The state board of education shall:

(1) Approve the preparatory entrance requirements for the University of Washington, Washington State University, and the state colleges of education;

(2) Approve courses for the state colleges of education, for the departments of education of the University of Washington, and Washington State University, and for all normal training departments of higher institutions within the state which may be accredited and whose graduates may become entitled to receive teachers' certificates or life diplomas;

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from colleges of education, colleges, universities, and other institutions of higher education, and prepare an accredited list of those higher institutions of learning of this and other states whose graduates may be awarded teachers' certificates by the superintendent of public instruction without examination: *Provided*, That the entrance and gradu-

State board of
education.
Powers and
duties.

ation requirements of all colleges and universities whose diplomas are accredited must be equal to those of the University of Washington and Washington State University; and the requirements for normal schools shall be equal to the advanced course of the colleges of education of this state;

(4) Supervise the issuance of normal diplomas and teachers' certificates, and determine the types and kinds of certificates necessary for the several departments of the common schools;

(5) Examine and accredit secondary schools: *Provided*, That no public high school or private academy shall be placed upon the accredited list so long as secret societies are allowed to exist among its students;

(6) Prepare an outline course or courses of study for the kindergarten, elementary school, junior high school; and high school departments of the common schools, and prescribe such rules for the general government of the common schools, as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools;

(7) Prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and determine rules and regulations for conducting the same, and prepare questions for the examination of applicants for state elementary certificates, and life diplomas;

(8) Prepare answers to all examination questions which are prepared under the supervision of the board;

(9) Prepare uniform questions or provide other bases for use in the examination of the pupils completing the course of study in any division of the common schools;

(10) Arrange such courses and adopt and enforce such regulations as will place the state insti-

tutions in harmonious relations with the common schools and with each other, and unify the work of the public school system;

(11) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, principals, county superintendents, boards of directors of the public schools, boards of trustees of the state colleges of education, and boards of regents of the University of Washington, and of Washington State University;

(12) Hear and decide appeals as provided by law;

(13) Define the meaning of the word "education" insofar as the state's obligation is concerned, as it appears in article 9, section 1 of the state Constitution.

SEC. 2. Section 1, chapter 203, Laws of 1941 and RCW 28.05.050 are each amended to read as follows:

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in state of Washington history and government. No person shall be graduated from any eighth grade or high school without completing such courses of study.

There shall also be a one quarter or semester course in either Washington state history and government, or Pacific Northwest History and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of study: *Provided*, That no person who has not completed said course of study shall be granted the standard general teaching certificate until he has passed an examination

RCW 28.05.050 amended.

History and government as compulsory courses— Examination for teachers' certificate, when.

prepared by the state superintendent of public instruction and administered by the county superintendent of schools satisfactorily demonstrating his knowledge of Washington state history and government.

RCW 28.70.040 amended.

SEC. 3. Section 1, page 338, Laws of 1909, as last amended by section 2, chapter 80, Laws of 1933, and RCW 28.70.040 are each amended to read as follows:

Teachers' certification exam, time and place.

An examination for the certification of teachers shall be held at the county seat of each county by the superintendent of schools on the first Saturday of March in each year.

Passed the House February 8, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 48.
[H. B. 292.]

MOTOR VEHICLE DEALERS—PLACE OF BUSINESS REQUIRED.

AN ACT relating to motor vehicles; regulating the licensing of motor vehicle dealers; and amending section 46.70.010, chapter 12, Laws of 1961 (House Bill No. 2), and RCW 46.70.010.

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

RCW 46.70.010 amended.

SECTION 1. Section 46.70.010, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.70.010 are each amended to read as follows:

Dealer's licenses. Dealer defined —Place of business.

“Dealer” as defined in this title shall mean any person in the business of buying, selling, exchanging or acting as a broker of new or used motor vehicles, trailers, or motorcycles. Each dealer shall have an established place of business actually occupied for the purpose of conducting business, at which is kept and maintained the books, records and files of the business.

The place of business shall have an office and display area and shall be identified by a sign. The place of business shall be open to inspection of pertinent records and vehicles by any representative of the department during business hours by consent of the dealer.

Passed the House February 14, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor February 27, 1961.

CHAPTER 49.

[S. B. 8.]

DRUGS.

AN ACT relating to drugs; amending section 1, chapter 6, Laws of 1939, as last amended by section 1, chapter 24, Laws of 1955, and RCW 69.40.060; and amending section 1, chapter 23, Laws of 1955 and RCW 69.40.061.

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

SECTION 1. Section 1, chapter 6, Laws of 1939 and RCW 69.40.060 are each amended to read as follows:

RCW 69.40.060 amended.

It shall be unlawful for a person, firm, or corporation to sell, give away, barter, exchange or distribute amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or to sell, give away, barter, exchange or distribute para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, pron-

Poisons and dangerous drugs: Certain drugs to be sold only by prescription—Exceptions.

tylin, prontosil, neo prontosil, neo prontylin, edimatin, sulfonamid or any salts, derivatives, or compounds thereof or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances, or to sell, give away, barter, exchange, or distribute any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office, or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription, except upon the written or oral order or prescription of a physician, surgeon, dentist, or veterinary surgeon licensed to practice in the state, and shall not be refilled without the written or oral order of the prescriber: *Provided*, That the above provisions shall not apply to the sale at wholesale by drug jobbers, drug wholesalers, and drug manufacturers to pharmacies or to physicians, dentists, or veterinary surgeons, nor to each other, nor to the sale at retail in pharmacies by pharmacists to each other or to physicians, surgeons, dentists or veterinary surgeons licensed to practice in this state; nor to the sale of sulfa drugs and their compounds for external or topical application when so marked and labeled or to the sale of veterinary sulfa products and their compounds when so marked and labeled but only after each of the drugs or products has been approved as being safe for use without medical supervision by regulation of the board of pharmacy of the state.

SEC. 2. Section 1, chapter 23, Laws of 1955 and RCW 69.40.061 are each amended to read as follows:

It shall be unlawful for any person to possess any of the drugs described in RCW 69.40.060, as

RCW 69.40.061
amended.

Possession of
certain drugs
unlawful.

amended from time to time, or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the state of Washington: *Provided, however,* That the above provision shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

Passed the Senate February 7, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 50.

[S. B. 18.]

ELECTIONS—STATUTORY RECOUNT ACT AMENDMENTS.

AN ACT relating to elections; amending section 1, chapter 215, Laws of 1955 and RCW 29.64.010; amending section 2, chapter 215, Laws of 1955 and RCW 29.64.020; and amending section 3, chapter 215, Laws of 1955 and RCW 29.64.030.

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

SECTION 1. Section 1, chapter 215, Laws of 1955 and RCW 29.64.010 are each amended to read as follows:

RCW 29.64.010
amended.

Any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

Statutory
recount pro-
ceedings.
Application
for recount.

Any person who was a candidate at any general election for election to an office or position who was

not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

All applications for recount shall be filed within three days after the canvassing board has declared the official results of the primary or election, as the case may be.

The provisions of the chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places and to the recheck of votes recorded on voting machines. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: *Provided*, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in section 2 of this 1961 amendatory act.

SEC. 2. Section 2, chapter 215, Laws of 1955 and RCW 29.64.020 are each amended to read as follows:

RCW 29.64.020
amended.

Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of five dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be five dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of \$.02; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of \$.02.

Deposit of fees
—Notice and
time of
recount—
Attendance.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be five dollars for each voting machine used.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The clerk of the

board shall mail notice of the time and place so fixed to the applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the clerk shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

RCW 29.64.030
amended.

SEC. 3. Section 3, chapter 215, Laws of 1955 and RCW 29.64.030 are each amended to read as follows:

Recounting
the ballots—
Request to
stop.

At the time and place fixed for making a recount of paper ballots, the canvassing board or their duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount them. Ballots shall be handled only by the members of the canvassing board, their duly authorized representatives or by the clerk or other employees of the board. Witnesses shall be permitted to see the ballots but they shall not be permitted to touch them, and the canvassing board shall not permit the counting or tabulation of votes shown on the ballots for any nomination, or for election to any office or position, or upon any

question or proposition, other than the votes shown on such ballots for the nomination, election, or question or proposition concerning which a recount of ballots was applied for.

At the time and place fixed for making a recheck of the votes cast on voting machines the canvassing board or their duly authorized representatives in the presence of all witnesses who may be in attendance, shall open the voting machines to be rechecked, and shall recheck them. Witnesses shall be permitted to watch the recheck of the voting machines, and the canvassing board shall not permit the rechecking of votes for any nomination, or for election to any office or position, or upon any question or proposition, other than the votes shown on such voting machines for the nomination, election, or question or proposition concerning which a recount of voting machines was applied for.

At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount and not recount the ballots from the precincts so listed and which have not been recounted prior to the time of such request: *Provided*, That this provision shall not apply to a recount when a recount is being made of any regular or special district election whereat the precincts were consolidated and as a result thereof the application for a recount embraced all ballots cast at such election.

If, upon such request, the board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in such precincts as shown in the abstract of the votes in such precincts, would not cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or proposition would not cause a

result contrary to the result thereof as declared prior to such recount, it shall grant such request and shall not recount the ballots of the precincts listed in the application for recount which have not been recounted prior to such time. If the board finds otherwise, it may deny such request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted: *Provided*, That if such request is denied it may be renewed from time to time. Upon any such renewal the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.

Passed the Senate February 28, 1961.

Passed the House February 27, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 51.

[S. B. 37.]

CITIES AND TOWNS—DETERMINATION OF POPULATION OF TERRITORY ANNEXED.

AN ACT relating to determination of the population of territory annexed to cities and towns; and amending section 14, chapter 175, Laws of 1957 and RCW 35.13.260.

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

SECTION 1. Section 14, chapter 175, Laws of 1957 and RCW 35.13.260 are each amended to read as follows:

RCW 35.13.260 amended.

Annexation of unincorporated areas (to cities and towns). Determining population—Certificate—As basis for allocation of state funds.

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form

and contain such information as shall be prescribed by the board. A legal description and a map showing specifically the boundaries of the annexed territory shall be attached to each of the three copies of the certificate. The certificate shall be signed by the mayor and attested by the city clerk. Upon request, the board shall furnish certification forms to any city or town.

Whenever the effective date of annexation as specified in the relevant ordinance is between April 2nd and August 31st inclusive, in any year, and the annexation certificate is submitted as provided herein, the population of the annexed territory shall be added to the April 1st population as determined for that year by the board, and shall be used for the allocation and distribution of state funds to cities and towns commencing January 1st next following. When a certificate is submitted subsequent to the thirty-day period from the effective date of the annexation as specified in the relevant ordinance, the population of the annexed territory shall not be considered until April 1st of the following year. The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the city or town. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of, the board. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.

Until an annexation certificate is filed and approved as provided herein, such annexed territory shall not be considered by the board in determining the population of such city or town.

Passed the Senate January 31, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 52.

[S. B. 51.]

BUDGETS OF TAXING DISTRICTS.

AN ACT relating to budgets of taxing districts.

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

Cash balance in district budgets to be indicated.

SECTION 1. The governing body of all taxing districts within or coextensive with any county, which are required by law to certify to a board of county commissioners, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the district, shall clearly indicate an estimate of cash balance at the beginning and ending of each budget period in said budget or estimate.

Passed the Senate February 2, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 53.

[S. B. 52.]

ABOLISHMENT OF TOWNSHIPS.

AN ACT providing for the abolishment of townships.

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

Disorganization of county township procedure. Initiation of.

SECTION 1. Proceedings for the disorganization of the township organization of a county may be commenced by the board of county commissioners through its filing a resolution with the county auditor directing that there be an election by the voters of the county upon the question.

Election—Date fixed.

SEC. 2. Upon the filing of the resolution the county auditor shall fix a date for holding an election thereon

which may be either a special or general election date set not later than the general election next succeeding the filing of the resolution in the office of the county auditor.

SEC. 3. Elections held under the provisions of this act shall be conducted by the county auditor and canvassed by the county election board in the manner provided by law for the conducting and canvassing of returns of general elections within the county.

**Election—
Conduct of.**

SEC. 4. If a majority of the votes cast upon the question favor disorganization of the township system of the county, the county auditor shall certify the results to the presiding judge of the superior court for the county, who shall enter an order of disorganization effective December 31st of that year and shall appoint the chairman of the board of county commissioners to act as receiver to wind up the affairs of the disorganized township.

**Procedure
upon favor-
able vote.**

SEC. 5. The chairman of the board of county commissioners shall take possession of all the property, moneys, vouchers, records and books of the townships of the county, including those in any manner pertaining to its business, and proceed to wind up their affairs. He shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the townships. He is authorized to sell at public auction, after such public notice as the sheriff is required to give as to property sold on execution, all the property of the former townships, except property granted under the provisions of section 8 of this act.

**County com-
missioner
chairman as
receiver—
Powers,
duties.**

SEC. 6. A township ordered disorganized by the court will not after the effective date of the order of disorganization levy any tax. However, the chairman of the board of county commissioners may be authorized by the court, when necessary for the extinguishment of the obligations of the township, to

**Levy of taxes,
limitations.**

levy taxes on all taxable property therein, to receive the taxes when collected and to apply them, together with the proceeds arising from any sales of property, to the extinguishment of the obligations of the townships.

County commissioner chairman as receiver— Specific duties enumerated.

SEC. 7. When an election has resulted in an affirmative vote to disorganize the townships in a county, the chairman of the board of county commissioners shall take the following actions in the order indicated:

First, he shall pay all lawful demands against the townships, and then file a final account together with all vouchers, with the clerk of the superior court;

Second, if prior to the election a tax levy has been made by one or more of the townships, for collection the year following the election, and if a pro rata reduction has been caused in the levy of any junior taxing district in the county which would not have been required had the township made no levy, the chairman shall order the county treasurer to collect the township levy and to disburse to the junior taxing district whose levy was reduced by proration the sum of money by which its levy was so reduced; if the township levy is not sufficient for such payments, any available funds to the credit of the township shall be so paid;

Third, the chairman shall pay any remaining township funds to the county treasurer to be deposited to the credit of the several taxing districts of the county (except the state and county) in the following allocations: Each such taxing district of the county shall receive a share that bears the same proportion to the total amount as its assessed valuation within the township times its authorized levy last in process of collection (excepting excess levies) bears to the total assessed valuation of such taxing districts within the township times the total author-

ized levy (excepting excess levies) of such districts. Upon approval by the court of said final account the court shall sign proper orders dissolving said township.

SEC. 8. All real property, buildings, and the furnishings and equipment used in connection with buildings owned by the township shall pass to the county in fee upon the effective date of the order of disorganization. Such property, as all other county property, shall be managed and controlled by the board of county commissioners: *Provided*, That the board shall for at least five years maintain and operate township meetings halls for community and public use.

Disposition of township property.

SEC. 9. There is added to chapter 24, Laws of 1951 second extraordinary session and to chapter 52.16 RCW a new section to read as follows:

New section.

Notwithstanding the limitation of millage contained in RCW 52.16.130, and in addition to any levy for the payment of the principal and interest of any outstanding general obligation bonds and levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding and in addition to any levy authorized by RCW 52.16.130, 52.16.140 or any other statute, if in any county where there are one or more townships in existence making annual tax levies and such township or townships are disorganized as a result of a county-wide disorganization procedure prescribed by statute and is no longer making any tax levy, the board of fire commissioners of any fire protection district within such county is hereby authorized to levy each year an ad valorem tax on all taxable property within such district of not to exceed two mills, which levy may be made only if it will not cause the combined levies to exceed the forty mill limitation.

Fire protection districts—
Finances.
Right to levy tax on disorganization of townships.

SEC. 10. This act shall not be construed to repeal, amend or modify any law heretofore enacted provid-

Construction—
Act additional method.

ing a method of township disorganization in this state, but shall be held to be an additional and concurrent method providing for such purpose.

Passed the Senate February 3, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 54.

[S. B. 67.]

EGG DEALER'S LICENSE FEE.

AN ACT relating to eggs and egg products; and amending section 5, chapter 193, Laws of 1955, and RCW 69.24.170.

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

RCW 69.24.170 amended.

SECTION 1. Section 5, chapter 193, Laws of 1955, and RCW 69.24.170 are each amended to read as follows:

Egg dealer's license. Fee—Disposition of.

There shall be paid to the director with each application for an egg dealer's license an annual license fee of five dollars. The proceeds from the license fees shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

Passed the Senate January 31, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 55.

[S. B. 117.]

FRANCHISES ON COUNTY ROADS.

AN ACT relating to franchises on county roads and bridges; and amending section 38, chapter 187, Laws of 1937 and RCW 36.55.010, 36.55.040, 36.55.050 and 36.55.060.

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

SECTION 1. Section 38, chapter 187, Laws of 1937 (heretofore divided and codified as RCW 36.55.010, 36.55.040, 36.55.050 and 36.55.060) is divided and amended as set forth in sections 2 through 5 of this act.

SEC. 2. (RCW 36.55.010) Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of water works, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

RCW 36.55.010 amended.
Pipe line and water line franchises on county roads.

SEC. 3. (RCW 36.55.040) On application being made to the board of county commissioners for franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The board shall also publish a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range

RCW 36.55.040 amended.
Application—Notice of hearing.

in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

RCW 36.55.050
amended.
Hearing--
order.

SEC. 4. (RCW 36.55.050) The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

RCW 36.55.060
amended.
Limitations
upon grants.

SEC. 5. (RCW 36.55.060) (1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered, or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

Passed the Senate February 2, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 56.

[S. B. 132.]

BLIND MADE PRODUCTS.

AN ACT relating to blind made products; and amending section 1, chapter 100, Laws of 1959 and RCW 19.06.010; and amending section 2, chapter 100, Laws of 1959 and RCW 19.06.020; and adding two new sections to chapter 100, Laws of 1959 and chapter 19.06 RCW.

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

SECTION 1. Section 1, chapter 100, Laws of 1959 and RCW 19.06.010 are each amended to read as follows:

RCW 19.06.010 amended.

Products made by blind persons and sold or distributed in this state as blind made may bear a label affixed directly to the product reading "MADE BY THE BLIND" and shall show the distributor's or manufacturer's name. Any product bearing such label shall have been made by blind people to the extent of at least seventy-five percent of the man hours required for its manufacture. No other label, trade name or sales device tending to create the impression that a product is made by blind persons shall be used in connection with the sale or distribution of such product unless the product shall have been made by blind people to the extent of at least seventy-five percent of the man hours required for its manufacture.

Blind made products. Labelling requirements.

SEC. 2. There is added to chapter 100, Laws of 1959 and to chapter 19.06 RCW a new section to read as follows:

New section.

No advertising of blind made products shall refer to any product which is not blind made, nor shall any such advertising contain or refer to names or pictures of any blind persons or otherwise exploit the blind.

Advertising, references to blind prohibited.

New section. SEC. 3. There is added to chapter 100, Laws of 1959 and to chapter 19.06 RCW a new section to read as follows:

Penalty. Any violation of this chapter shall be a misdemeanor.

RCW 19.06.020 amended. SEC. 4. Section 2, chapter 100, Laws of 1959 and RCW 19.06.020 are each amended to read as follows:

Governmental agencies to purchase blind made goods, services. Any board, commission, officer, employee or other person or persons of the state, or any county, city, town, school district or other agency, political subdivision or taxing district of the state, whose duty it is to purchase materials, supplies, goods, wares, merchandise or produce, or to procure services, for the use of any department or institution within the state, shall make such purchases and procure such services whenever available, from any nonprofit agency for the blind located within the state which manufactures or distributes blind made products: *Provided*, That the goods and services made by or offered by such agencies shall be equal in quality and price to those available from other sources.

Passed the Senate February 1, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 57.

[S. B. 134.]

VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; amending section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 159, Laws of 1957, and RCW 41.24.160; amending section 17, chapter 261, Laws of 1945 as last amended by section 3, chapter 253, Laws of 1953, and RCW 41.24.170; amending section 18, chapter 261, Laws of 1945, and RCW 41.24.180; amending section 20, chapter 261, Laws of 1945 as amended by section 5, chapter 253, Laws of 1953, and RCW 41.24.200; amending

section 22, chapter 261, Laws of 1945 as last amended by section 4, chapter 159, Laws of 1957, and RCW 41.24-.220; and amending section 23, chapter 261, Laws of 1945 as last amended by section 5, chapter 159, Laws of 1957, and RCW 41.24.230.

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

SECTION 1. Section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 159, Laws of 1957, and RCW 41.24.160 are each amended to read as follows:

RCW 41.24.160 amended.

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow, or if there be no widow, then to his dependent child or children, or if there be no dependent child or children, then to his parents or either of them, and the sum of one hundred dollars per month to his widow during her life; or, if there is no widow, or the widow dies while there are minor children, then to his minor child or children until they reach the age of eighteen years; and if there are no widow, child or children entitled thereto, then to his parents or either of them, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his death: *Provided*, That if the widow, child, or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

Volunteer firemen's benefits. Death benefits.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certi-

fied by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

RCW 41.24.170
amended.

SEC. 2. Section 17, chapter 261, Laws of 1945 as last amended by section 3, chapter 253, Laws of 1953, and RCW 41.24.170 are each amended to read as follows:

Retirement
pensions.

Whenever any fireman on June 5, 1953, had been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled within three years thereafter, and the fireman has reached the age of sixty-five years, the board of trustees may order and direct that he be paid a monthly pension of fourteen dollars from the fund.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of twenty-

five years, the board of trustees shall order and direct that such fireman be paid a monthly pension of sixty-five dollars from the fund upon his attaining the age of sixty-five years and for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the annual retirement fee has been paid for a period of less than twenty-five years by reason of the fact that part of such service was rendered prior to June 5, 1953, the board of trustees shall order and direct that such fireman shall receive the minimum monthly pension herein provided increased by the sum of two dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, upon such fireman attaining the age of sixty-five years and for the balance of his life: *Provided, however,* That nothing herein contained shall be construed as reducing the amount of any pension to which any fireman shall have been eligible to receive under the provisions of section 1, chapter 103, Laws of 1951.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman.

No pension herein provided shall be payable for any service less than twenty-five years.

SEC. 3. Section 18, chapter 261, Laws of 1945, and

RCW 41.24.180
amended.

RCW 41.24.180 are each amended to read as follows:
The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

Lump sum
payments.

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pen-

sion herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself: *Provided, however,* That this provision shall not be construed as depriving any active fireman from completing the requisite number of years of active service after attaining the age of sixty-five years as may be necessary to entitle him to the pension as herein provided.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him under the provisions of this chapter, there shall be paid to his widow, or if there be no widow to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees or to his estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he shall have served, there shall be paid to his widow, or if there be no widow then to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees, or to his estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself and the municipality or municipalities in whose department he shall have served and the amount received by him as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he may make application for the return of the amount paid into said fund by himself.

SEC. 4. Section 20, chapter 261, Laws of 1945 as amended by section 5, chapter 253, Laws of 1953, and RCW 41.24.200, are each amended to read as follows:

RCW 41.24.200 amended.

The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: *Provided*, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years service, have made twenty-five annual payments into the fund, and be at least sixty-five years of age at the time he commences drawing the pension provided for by this act, all of which twenty-five years service must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: *Provided, however*, That nothing herein contained shall require any fireman having twenty-five years active service to continue as a fireman, but such fireman if he retires by reason of such service prior to reaching the age of fifty-five years shall be required to pay the total annual retirement fee required of firemen and the municipality up to and including the year in which his fifty-fifth birthday shall occur to be eligible for a pension: *Provided further*, That the amount of monthly pension shall not be increased by any such payments after retirement from active service but the pension shall be computed as of the date of retirement from active service.

Service need not be continuous nor in single department.

SEC. 5. Section 22, chapter 261, Laws of 1945 as last amended by section 4, chapter 159, Laws of

RCW 42.24.220 amended.

1957, and RCW 41.24.220 are each amended to read as follows:

Hospitaliza-
tion, surgery,
etc.

Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital an amount, to be set by the state board, not exceeding twenty-five dollars daily shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto.

RCW 41.24.230
amended.

SEC. 6. Section 23, chapter 261, Laws of 1945 as last amended by section 5, chapter 159, Laws of 1957, and RCW 41.24.230 are each amended to read as follows:

Funeral and
burial
expenses.

Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his duties, the board of trustees shall authorize the issuance of a voucher for the sum of five hundred dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of two hundred fifty dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund.

Passed the Senate February 7, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 58.

[S. B. 166.]

TOWNS—PURCHASE OF LAND FOR PARKS.

AN ACT relating to purchase of land for parks by towns; and amending section 1, chapter 103, Laws of 1899 and RCW 35.27.400.

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

SECTION 1. Section 1, chapter 103, Laws of 1899 and RCW 35.27.400 are each amended to read as follows:

RCW 35.27.400 amended.

Towns are hereby given the power to establish fire limits with proper regulations; to acquire by purchase or otherwise, lands for public parks within or without the limits of the town, and to improve the same.

Towns. Fire limits—Parks.

Passed the Senate February 10, 1961.

Passed the House February 26, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 59.

[S. B. 194.]

CONVEYANCE OF LAND TO BENTON COUNTY.

AN ACT authorizing the conveyance of certain lands in Benton county, Washington to the county of Benton, Washington.

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

SECTION 1. Upon payment to the state of Washington of the sum of one dollar, which sum shall be deposited to the account of the highway safety fund when received by the treasurer of the state of Washington, the Washington state patrol is authorized and directed to certify to the governor and secretary of state that such payment has been made on

Lands conveyed to Benton county, procedure.

the following described property situated in Benton county, Washington: The west 300 feet of the east 590 feet of that portion of tract 15, the Highlands plat "A" lying north of existing county road right-of-way; the same being property conveyed to the state of Washington, Washington state patrol by quitclaim deed executed November 5, 1959 pursuant to resolution number one hundred thirty adopted by the board of commissioners of Benton county, Washington, November 5, 1959; and the governor is hereby authorized and directed forthwith to execute and the secretary of state is authorized and directed to attest to a deed conveying said lands to Benton county, Washington.

Passed the Senate February 2, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 60.

[S. B. 230.]

HONEY—ELIMINATING STATE SEAL.

AN ACT relating to honey, removing the requirement of a state seal; amending section 1, chapter 103, Laws of 1957 and RCW 69.28.080; amending section 40, chapter 199, Laws of 1939 and RCW 69.28.090; and repealing section 38, chapter 199, Laws of 1939 and RCW 69.28.160.

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

SECTION 1. Section 1, chapter 103, Laws of 1957 and RCW 69.28.080 are each amended to read as follows:

RCW 69.28.080
amended.

Honey. Purchaser to be advised of standards—Exception.

It shall be unlawful for any person to deliver, sell, offer, or expose for sale any honey for human consumption within the state without notifying the person or persons purchasing or intending to purchase the same, of the exact grade or quality of such

honey, according to the standards prescribed by the director, by stamping or printing on the container of any such honey such grade or quality: *Provided*, This section shall not apply to honey while it is in transit in intrastate commerce from one establishment to the other, to be processed, labeled, or re-packed.

SEC. 2. Section 40, chapter 199, Laws of 1939 and RCW 69.28.090 are each amended to read as follows:

It shall be unlawful to forge, counterfeit, simulate, falsely represent or alter without proper authority any mark, stamp, tag, label, seal, sticker or other identification device provided by this chapter.

RCW 69.28.090 amended.
Forging, altering, etc., of labels unlawful.

SEC. 3. Section 38, chapter 199, Laws of 1939 and RCW 69.28.160 are each repealed.

RCW 69.28.160 repealed.

Passed the Senate February 9, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 61.

[H. B. 148.]

AGRICULTURAL FAIRS.

AN ACT relating to agricultural fairs; and repealing sections 15.76.011 through 15.76.090, chapter 11, Laws of 1961.

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

SECTION 1. It is hereby declared that it is in the public interest to hold agricultural fairs, including the exhibition of livestock and agricultural produce of all kinds, as well as related arts and manufactures; including products of the farm home and educational contest, displays and demonstrations designed to train youth and to promote the welfare of farm people and rural living. Fairs qualifying

Fairs in public interest eligible for allocation.

hereunder shall be eligible for allocations from the state fair fund as provided in this act.

Definitions.

SEC. 2. Definitions. "Director" shall mean the director of agriculture. "Commission" shall mean the fairs commission created by this act. "State allocations" shall mean allocations from the state fair fund.

Fairs classed for allocation purposes.

SEC. 3. For the purposes of this act all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:

(a) "Area fairs"—those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;

(b) "County and district fairs"—organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may be but one county fair in a single county: *Provided, however,* That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.

(c) "Community fairs"—organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.

(d) "Youth shows and fairs"—approved by duly constituted agents of Washington State University and/or the Washington state board for vocational education, serving three or more counties, and hav-

ing for their purpose the education and training of rural youth in matters of rural living.

SEC. 4. For the purpose of encouraging agricultural fairs and training rural youth, the board of trustees of any fair or youth show may apply to the director of agriculture for state allocations as hereinafter set forth. Such application shall be in such form as the director may prescribe.

Application
for allocations.

SEC. 5. Before any agricultural fair may become eligible for state allocations it must have been in successful operation for not less than two years immediately preceding application for such allocations, and have its application therefor approved by the director.

Time prereq-
uisite for
eligibility for
allocation.

SEC. 6. The director shall have the authority to make allocations from the state fair fund as follows: Ninety percent to participating agricultural fairs, distributed according to the merit of such fairs measured by a merit rating to be set up by the director. This merit rating shall take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums and prizes paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities. The remaining ten percent of money in the state fair fund may be used for administrative costs, including expenses incurred by the director and such expenses incurred by the commission as may be approved by the director. Any money remaining in the administrative portion of the fund may be used by the director to make further allocations to any participating fair or fairs.

Allowable
allocations.

The division and payment of funds authorized

in this section shall occur at such times as the director may prescribe.

Allocations as reimbursement for prizes awarded.

SEC. 7. Any state allocations made under this act to fairs or youth shows, other than fairs or youth shows operated by or for and under the control of one or more counties or other agencies, as defined in subsection (d) of section 3 of this act, shall be made only as a reimbursement in whole or in part for the payment of premiums and prizes awarded to participants in such fairs or youth shows. State allocations to fairs under the control of one or more counties shall be made to the county treasurer of the county in which the fair is held. State allocations to other publicly sponsored fairs or youth shows shall be made to such sponsor. The board of trustees of any private fair or youth show, as part of its application for any allocation under this act, and as a condition of such allocation, shall submit to the director a list of premiums and prizes awarded to participants in its last preceding fair or youth show. Such list shall contain the names of all premium and prize winners, a description of each prize or premium, including its amount or value, and the total values of all such awards. The list shall be in such form and contain such further information as the director may require, and shall be verified as to its accuracy by the oath of the president of the fair or youth show, together with that of the secretary or manager, subscribed thereon.

Fairs commission created.

SEC. 8. There is hereby created a fairs commission to consist of the director of agriculture as ex officio member and chairman, and seven members appointed by the director to be persons who are interested in fair activities; at least three of whom shall be from the east side of the Cascades and three from the west side of the Cascades and one member at large. The first appointment shall be: Three for a one year term, two for a two year term, and two

for a three year term, and thereafter the appointments shall be for three year terms.

Appointed members of the commission shall receive twenty dollars per diem for each day actually spent on commission business plus actual travel expense payable on proper vouchers submitted to and approved by the director, and payable from that portion of the state fair fund set aside for administrative costs under this act. The commission shall meet at the call of the chairman, but at least annually. It shall be the duty of the commission to act as an advisory committee to the director, to assist in the preparation of the merit rating used in determining allocations to be made to fairs, and to perform such other duties as may be required by the director from time to time.

SEC. 9. The director shall have the power to adopt such rules and regulations as may be necessary or appropriate to carry out the purposes of this act.

Rules and regulations.

SEC. 10. Sections 15.76.011 through 15.76.090, chapter 11, Laws of 1961 are each repealed.

RCW 15.76.011
—15.76.090
repealed.

Passed the House February 25, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 62.

[H. B. 168.]

DESIGNATING THE STATE COLLEGES OF EDUCATION AS STATE COLLEGES.

AN ACT relating to changing the designation of the state colleges of education; and amending section 2, chapter 147, Laws of 1957 and RCW 28.81.010; and adding a new section to chapter 28.81 RCW.

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

Colleges redesignated.

SECTION 1. From and after September 1, 1961 the state colleges of education shall be known and designated as state colleges.

RCW 28.81.010 amended.

SEC. 2. Section 2, chapter 147, Laws of 1957 and RCW 28.81.010 are each amended to read as follows:

State colleges of education designated.

The state colleges of education shall be located and designated as follows:

At Bellingham, the Western Washington State College; at Cheney, the Eastern Washington State College; at Ellensburg, the Central Washington State College.

New section.

SEC. 3. There is added to chapter 28.81 RCW a new section to read as follows:

Construction.

The redesignation of the institutions as provided in sections 1 and 2 of this amendatory act is a change of name only and shall not be construed to supplement, detract from, alter, or modify in any manner the powers, duties, scope, or functions of such institutions.

Passed the House February 25, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 63.

[H. B. 351.]

LIVESTOCK—GRAND LARCENY.

AN ACT relating to crimes and punishments; and adding a new section to chapter 249, Laws of 1909 and to chapter 9.54 RCW.

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

SECTION 1. There is added to chapter 249, Laws of 1909 and to chapter 9.54 RCW a new section to read as follows:

Every person who, with intent to deprive or defraud the owner thereof, wilfully takes, leads or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, or steer, or swine, or sheep, shall be guilty of grand larceny and shall be punished by imprisonment for not more than fifteen years, or by fine of not more than one thousand dollars, or by both such fine or imprisonment.

Taking etc.,
livestock,
grand larceny
—Penalty.

Passed the House February 25, 1961.

Passed the Senate February 23, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 64.

[Sub. H. B. 16.]

PHYSICAL THERAPY.

AN ACT relating to the practice of physical therapy; amending sections 1, 3, 5, 6, 7, 8 and 9, chapter 239, Laws of 1949 and RCW 18.74.010, 18.74.030, 18.74.050, 18.74.060, 18.74-.070, 18.74.080 and 18.74.090; adding three new sections to chapter 239, Laws of 1949 and to chapter 18.74 RCW; and providing penalties.

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

SECTION 1. Section 1, chapter 239, Laws of 1949 and RCW 18.74.010 are each amended to read as follows:

RCW 18.74.010
amended.

Physical therapy. Definitions.

In this chapter, unless the context otherwise requires:

(1) "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical and other properties of heat, or cold, air, light, water, electricity, sound, massage and therapeutic exercise, which includes posture and rehabilitation procedures, or the performance of test of neuro muscular function as an aid to the diagnosis or treatment of any human condition. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter under the prescription, and direction of a person licensed in this state to practice medicine and surgery.

(3) Words importing the masculine gender may be applied to females.

RCW 18.74.030 amended.

SEC. 2. Section 3, chapter 239, Laws of 1949 and RCW 18.74.030 are each amended to read as follows:

Qualifications of applicants.

An applicant for registration as a physical therapist shall have the following minimum qualifications:

(1) Be of good moral character;

(2) have obtained a high school education or its equivalent as determined by the examining committee; and

(3) have been graduated by a school of physical therapy approved by the examining committee. No school shall be approved unless it requires four academic years of collegiate instruction, including adequate instructions on the subjects listed in section 3 of this amendatory act; or if graduated prior to 1936, the school or course was approved by the

American Physical Therapy Association at the time of his graduation.

SEC. 3. There is added to chapter 239, Laws of 1949 and to chapter 18.74 RCW, a new section to read as follows: New section.

All qualified applicants for registration as a physical therapist shall be examined by the examining committee at such time and place as the committee may determine. Such examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy: *Provided*, That any person who applies for registration on or before September 1, 1961, and establishes to the satisfaction of the examining committee that he at the time of application, (1) Meets the qualifications for a physical therapist as set forth in section 2 of this amendatory act; or (2) has passed the professional examination for physical therapists given by the American Physical Therapy Association; or (3) has practiced in the state of Washington as a physical therapist as defined in this act for a continuous period of three years or more, and who, at the time of application, was practicing as a physical therapist in the state of Washington or who is currently registered as a physical therapist in the state of Washington, shall be issued a certificate of registration without examination. Examinations shall be held within the state at least once a year, at such time and place as the board shall determine. Examinations
—Exemption
from.

SEC. 4. Section 5, chapter 239, Laws of 1949 and RCW 18.74.050 are each amended to read as follows: RCW 18.74.050
amended.

Certificates of registration. To whom awarded—Types.

The director of licenses shall furnish a certificate of registration upon the authority of the examining committee as follows:

(1) A certificate of registration shall be issued to any person who applies for such registration and who has qualified under the provisions of this amendatory act. At the time of making such application such applicant shall pay to the state treasurer a fee of twenty-five dollars, provided no person previously registered as a physical therapist shall be required to pay an additional fee for registration under this amendatory act.

(2) A probational certificate of registration may be issued to any domestic trained physical therapist who has credentials acceptable to the Washington state examining committee of pyhsical therapists and who pays the required Washington state registration fee. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration, and such certificate of registration shall expire when the examining committee publishes the results of the first Washington state examination for registration for which applicant is eligible under the regulations of the examining committee.

(3) A probational certificate of registration may be issued for a period of one year to a foreign trained physical therapist who (a) makes the required application for registration, (b) holds a diploma from a foreign school of physical therapy, (c) presents credentials as required by the Washington state examining committee of physical therapists which establish professional qualifications substantially equivalent to those required of domestic trained physical therapists, and (d) pays the required Washington state registration fee. A person holding a probational certificate may practice physical therapy solely under the supervision of a person registered

as a physical therapist under this act. Such probational certificate of registration shall be available to an applicant only with respect to his first application for registration. Such certificate of registration shall be continued until the examining committee publishes the results of the first Washington state examination for registration held after the period for which the certificate was originally issued.

(4) A regular certificate of registration may be issued to a foreign trained physical therapist who fulfills the above requirements in subsection (3) of this section and who passes the Washington state examination for registration.

(5) A temporary certificate of registration limited to six months may be issued, without examination, to any person who submits satisfactory evidence to the examining committee that he is in this state on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project, and who meets the qualifications for a physical therapist as set forth in section 2 of this amendatory act.

SEC. 5. Section 6, chapter 239, Laws of 1949 and RCW 18.74.060 are each amended to read as follows:

RCW 18.74.060 amended.

Upon the recommendation of the examining committee, the director of licenses shall register as a physical therapist and shall furnish a certificate of registration to any person who is a physical therapist registered under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration required of applicant were substantially equal to the requirements under this chapter and such person has practiced in such other state or territory or the District of Columbia for at least one year prior to application. At the time of making application, such applicant shall pay to the state treasurer a fee of twenty-five dollars.

Reciprocity (registration).

RCW 18.74.070
amended.

SEC. 6. Section 7, chapter 239, Laws of 1949 and RCW 18.74.070 are each amended to read as follows:

Renewal of
registration.

Every registered physical therapist shall, during the month of January, 1953, and during the month of January every third year thereafter, apply to the director of licenses for an extension of his registration and pay a fee of fifteen dollars to the state treasurer. Registration that is not so extended in the first instance before February 1, 1953, and thereafter before February 1st of every third year, shall automatically lapse. Upon the recommendation of the examining committee the director of licenses shall revive and extend a lapsed registration on the payment of all past unpaid extension fees.

RCW 18.74.080
amended.

SEC. 7. Section 8, chapter 239, Laws of 1949 and RCW 18.74.080 are each amended to read as follows:

Revocation,
denial, of
registration.

The director of licenses shall refuse to grant registration to any physical therapist or shall revoke the registration of any physical therapist if he

(1) is habitually drunk or is addicted to the use of narcotic drugs;

(2) has been convicted of violating any state or federal narcotics law;

(3) has been convicted of any crime involving moral turpitude;

(4) has obtained or attempted to obtain registration by fraud or material misrepresentation;

(5) has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or

(6) is guilty of fraud, deceit, or gross negligence or incompetency in the practice of physical therapy, or any act derogatory to the standing and morals of the profession of physical therapy, including the treatment or undertaking to treat ailments of human beings otherwise than by physical therapy and as authorized by this chapter, and the undertaking to practice independent of the prescription,

and direction of a person licensed in this state to practice medicine and surgery.

SEC. 8. Section 9, chapter 239, Laws of 1949 and RCW 18.74.090 are each amended to read as follows:

A person who is not registered with the director of licenses as a physical therapist under the requirements of this chapter shall not represent himself as being so registered and shall not use in connection with his name the words or letters "P.T., R.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words or insignia indicating or implying that he is a physical therapist. Any person who shall practice or attempt to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a gross misdemeanor. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the director of licenses.

SEC. 9. If any person violates the provisions of section 8 of this act, the attorney general, prosecuting attorney, the director, or any citizen of the same county, may maintain an action in the name of the state to enjoin such person from practicing or holding himself out as practicing physical therapy. The injunction shall not relieve criminal prosecution but the remedy by injunction shall be in addition to the liability of such offender for criminal prosecution and the suspension or revocation of his license.

SEC. 10. There is added to chapter 239, Laws of 1949 and to chapter 18.74 RCW a new section to read as follows:

Construction
—Exemptions
under act.

Nothing in this chapter shall prohibit any person licensed in this state under any other act from engaging in the practice for which he is licensed. Nothing in this chapter shall prohibit any person who, at any time prior to January 1, 1961 was practicing any healing or manipulative art in the state of Washington and designating the same as physical therapy or physiotherapy, from continuing to do so after the passage of this amendatory act: *Provided*, That no such person shall represent himself as being registered and shall not use in connection with his name the words or letters "registered" or "licensed" or "R.P.T."

Severability.

SEC. 11. If any provision of this amendatory act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this amendatory act which can be given effect without the invalid provision or application, and to this end the provisions of this amendatory act are declared to be severable.

Passed the House March 1, 1961.

Passed the Senate February 27, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 65.

[H. B. 17.]

COMMUNICATING WITH A CHILD FOR IMMORAL PURPOSES.

AN ACT relating to sexual psychopaths and psychopathic delinquents; defining terms; defining a crime and prescribing a penalty; amending section 71.06.010, chapter 25, Laws of 1959 and RCW 71.06.010; and adding a new section to chapter 249, Laws of 1909 and to chapter 9.79 RCW.

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

SECTION 1. Section 71.06.010, chapter 25, Laws of 1959 and RCW 71.06.010 are each amended to read as follows:

RCW 71.06.010 amended.

As used in this chapter, the following terms shall have the following meanings:

Sexual psychopaths and psychopathic delinquents. Definitions.

“Psychopathic personality” means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

“Sexual psychopath” means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

“Sex offense” means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving im-

moral or sexual misconduct, or an attempt to commit any of the said offenses.

“Psychopathic delinquent” means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the mentally deficient as a mentally deficient person, or to a state hospital as a mentally ill person.

“Minor” means any person under twenty-one years of age.

“Department” means department of institutions.

“Court” means the superior court of the state of Washington.

“Superintendent” means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

New section.

SEC. 2. There is added to chapter 249, Laws of 1909 and to chapter 9.79 RCW a new section to read as follows:

Communica-
tion with child
for immoral
purposes,
gross
misdemeanor.

Every person who solicits, entices or otherwise communicates with a child under the age of eighteen years for immoral purposes shall be guilty of a gross misdemeanor.

Passed the House March 1, 1961.

Passed the Senate February 27, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 66.

[H. B. 58.]

CERTIFICATED EMPLOYEES OF SCHOOL DISTRICTS—
LEAVES OF ABSENCE.

AN ACT relating to conditions and contracts of employment in school districts; providing for leaves of absence; amending section 2, chapter 68, Laws of 1955, and RCW 28.58.100; and repealing section 1, chapter 195, Laws of 1959, and RCW 28.58.430.

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

SECTION 1. Section 2, chapter 68, Laws of 1955, and RCW 28.58.100 are each amended to read as follows:

RCW 28.58.100 amended.

Every board of directors, unless otherwise specially provided by law, shall:

School districts, Directors—General powers.

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all school houses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judg-

ment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure lia-

bility, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one day's full attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district.

(15) Adopt such rules and regulations as the board deems necessary or advisable in regard to granting leaves to persons under contracts of employment with the school district(s) in positions requiring certification qualification, including leaves for attendance at official or private institutes and conferences, sabbatical leaves, and leaves for illness and injury and bereavement, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt rules and regulations granting to such persons annual leave with compensation for illness and injury as follows:

(a) for such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury

actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall not be transferable from one district to another;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Note: See also section 1, chapter 237, Laws of 1961; also section 1, chapter 305, Laws of 1961.

RCW 28.58.430
repealed.

SEC. 2. Section 1, chapter 195, Laws of 1959 and RCW 28.58.430 are each repealed.

Passed the House March 1, 1961.

Passed the Senate February 27, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 67.

[H. B. 216.]

INCREASING NUMBER OF SUPERIOR COURT JUDGES.

AN ACT providing for and relating to judges in superior courts of certain counties; and amending section 3, chapter 125, Laws of 1951, as amended by section 1, chapter 176, Laws of 1955 and RCW 2.08.061; and amending section 6, chapter 125, Laws of 1951, as amended by section 2, chapter 19, Laws of 1955, and RCW 2.08.064, and declaring an emergency.

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

SECTION 1. Section 3, chapter 125, Laws of 1951, as amended by section 1, chapter 176, Laws of 1955, and RCW 2.08.061 are each amended to read as follows:

RCW 2.08.061 amended.

There shall be in the county of King twenty judges of the superior court; in the county of Spokane six judges of the superior court; in the county of Pierce seven judges of the superior court.

Superior court judges. King, Spokane, Pierce counties.

SEC. 2. Section 6, chapter 125, Laws of 1951, as amended by section 2, chapter 19, Laws of 1955, and RCW 2.08.064 are each amended to read as follows:

RCW 2.08.064 amended.

There shall be in the counties of Benton and Franklin jointly, two judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish three judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Benton, Franklin, Clallam, Jefferson, Snohomish, Asotin, Columbia, Garfield, Cowlitz, Klickitat, and Skamania counties.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

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

Passed the House March 1, 1961.

Passed the Senate February 22, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 68.

[H. B. 282.]

ENFORCEMENT OF GAME LAWS AND RULES AND REGULATIONS OF STATE GAME COMMISSION.

AN ACT relating to the enforcement of rules and regulations of the state game commission; amending section 77.12.060, chapter 36, Laws of 1955, and RCW 77.12.060; section 77.12.070, chapter 36, Laws of 1955, and RCW 77.12.070; and section 77.12.080, chapter 36, Laws of 1955, and RCW 77.12.080.

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

RCW 77.12.060 amended.

SECTION 1. Section 77.12.060, chapter 36, Laws of 1955, and RCW 77.12.060 are each amended as follows:

Game Commission. Service of process—Regulation of use of facilities—Assistance.

The director, all game protectors, and all deputy game protectors may serve and execute all warrants and process issued by the courts in enforcing the provisions of law and all rules and regulations of the commission pertaining to wild animals, wild birds, and game fish or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same.

For the purpose of enforcing any such law or rule or regulation, they may call to their aid any sheriff, deputy sheriff, constable, police officer, or citizen and any such person shall render such aid.

RCW 77.12.070 amended.

SEC. 2. Section 77.12.070, chapter 36, Laws of 1955, and RCW 77.12.070 are each amended as follows:

Every game protector, deputy game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and rules and regulations adopted by the commission for the protection of game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and further shall enforce all laws or rules and regulations adopted by the commission pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same, and may issue citations to persons failing to comply with any such law or rules and regulations. The police officers specified, and United States game wardens, any forest officer, appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy game protectors within their respective jurisdictions.

Duties of game protectors and other police officers.

SEC. 3. Section 77.12.080, chapter 36, Laws of 1955, and RCW 77.12.080 are each amended as follows:

RCW 77.12.080 amended.

Any game protector, deputy game protector, or ex officio game protector may, without warrant, arrest any person found violating any law enacted, or any rule or regulation adopted and promulgated by the commission, pertaining to wild animals, wild birds and game fish or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same.

Arrest without warrant.

Passed the House February 7, 1961.

Passed the Senate February 28, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 69.

[S. B. 127.]

ACQUISITION OF BANK STOCK BY CORPORATIONS.

AN ACT relating to banks and banking; amending section 30.04-230, chapter 33, Laws of 1955 and RCW 30.04.230.

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

RCW 30.04.230 amended.

SECTION 1. Section 30.04.230, chapter 33, Laws of 1955 and RCW 30.04.230 are each amended to read as follows:

Banks and trust companies. Holding corporations—Restrictions—Penalty.

A corporation or association organized under the laws of this state, or licensed to transact business in the state, shall not hereafter acquire any shares of stock of any bank, trust company or national banking association which, in the aggregate, enable it to own, hold or control more than twenty-five percent of the capital stock of such bank, trust company or national banking association: *Provided, however,* That the foregoing restriction shall not apply as to any legal commitments existing on February 27, 1933: *And provided, further,* That the foregoing restriction shall not apply to prevent any such corporation or association which has its principal place of business in this state from acquiring additional shares of stock in a bank, trust company or national banking association in which such corporation or association owned twenty-five percent or more of the capital stock on January 1, 1961.

A person who does, or conspires with another or others in doing, an act in violation of this section shall be guilty of a gross misdemeanor. A corporation that violates this section, or a corporation whose stock is acquired in violation hereof, shall forfeit its charter if it be a domestic corporation, or its license to transact business if it be a foreign cor-

poration; and the forfeiture shall be enforced in an action by the state brought by the attorney general.

Passed the Senate February 11, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 7, 1961.

CHAPTER 70.

[S. B. 38.]

PROCEDURE FOR AMENDING CITY OR TOWN CODES.

AN Act relating to the compilation, codification, and revision of city and town ordinances; amending section 7, chapter 97, Laws of 1957 and RCW 35.21.560.

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

SECTION 1. Section 7, chapter 97, Laws of 1957 and RCW 35.21.560 are each amended to read as follows:

RCW 35.21.560 amended.

New material shall be adopted by the city or town legislative body as separate ordinances prior to the inclusion thereof in such codification: *Provided*, That any ordinance amending the codification shall set forth in full the section or sections, or subsection or subsections of the codification being amended, as the case may be, and this shall constitute a sufficient compliance with any statutory or charter requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

Codification of city ordinances—Amending procedure.

Passed the Senate February 17, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 71.

[S. B. 68.]

COURSES OF INSTRUCTION AT STATE UNIVERSITIES.

AN ACT relating to courses of instruction at state universities; amending sections 2 and 5, chapter 10, Laws of 1917 and RCW 28.76.060; and amending sections 4 and 8, chapter 10, Laws of 1917 and RCW 28.76.080.

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

RCW 28.76.060 amended.

SECTION 1. Sections 2 and 5, chapter 10, Laws of 1917 (heretofore combined and codified as RCW 28.76.060) are each amended to read as follows:

Courses exclusive to University of Washington.

The courses of instruction of the University of Washington shall embrace as exclusive major lines, law, medicine, architecture, forest products, logging engineering, commerce, journalism, library economy, marine and aeronautic engineering, and fisheries.

RCW 28.76.080 amended.

SEC. 2. Sections 4 and 8, chapter 10, Laws of 1917 (heretofore combined and codified as RCW 28.76.080) are each amended to read as follows:

Major line of courses at state universities.

The courses of instruction of both the University of Washington and Washington State University shall embrace as major lines, liberal arts, pure science, pharmacy, mining, civil engineering, electrical engineering, mechanical engineering, chemical engineering, home economics, and forest management as distinguished from forest products and logging engineering which are exclusive to the University of Washington. These major lines shall be offered and taught at said institutions only.

Passed the Senate February 14, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 72.

[S. B. 84.]

FOREST INSECT AND DISEASE CONTROL.

AN ACT relating to control of forest insects and forest diseases authorizing the creation of insect control districts; providing for methods of notice; amending section 5, chapter 233, Laws of 1951, and RCW 76.06.050; and declaring an emergency.

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

SECTION 1. Section 5, chapter 233, Laws of 1951, and RCW 76.06.050 are each amended to read as follows:

RCW 76.06.050
amended.

Whenever the supervisor finds timber lands threatened by infestations of forest insects or forest tree diseases, and if he finds that such infestation is of such character as to threaten destruction of timber stands, the supervisor shall with the approval of the board declare and certify an infestation control district and fix and declare the boundaries thereof, so as to definitely describe such district. Said district may include timber lands threatened by the infestation as well as those timber lands already infested.

Infestation
control district
—Creation—
Notice to
owners.

Thereafter the supervisor shall at once serve written notice to all owners of timber lands or their agents within the said district to proceed under the provisions of this chapter without delay to control, destroy and eradicate the said forest insect pests or forest tree diseases as provided herein. The said notice may be made by personal service, or by mail addressed to the last known place or address of such owner or agent. Said notice shall list and describe the method or methods of action that will be acceptable to the board if the owner or agent elects to control, destroy and eradicate said insects or diseases on his own property.

Said notice when published for five consecutive days in at least one daily newspaper or in two consecutive issues of a weekly newspaper, either paper having a general circulation in said district will serve as the written notice to owners of noncommercial timber lands.

Emergency.

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

Passed the Senate February 1, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 73.

[S. B. 105.]

PUBLIC LANDS.

AN ACT relating to public lands; providing for the administration and sale of land and valuable materials; providing for the regulation, administration, and granting of rights of way; authorizing the leasing of beds under navigable tidal waters and of agricultural and grant lands for designated purposes; providing for certain conditions in mining contracts; authorizing by contract the sale of stone on certain public lands and providing for conditions of said sale; permitting grants of property rights; amending section 33, chapter 255, Laws of 1927 as last amended by section 13, chapter 257, Laws of 1959, and RCW 79.01.340; amending section 42, chapter 255, Laws of 1927 as last amended by section 17, chapter 257, Laws of 1959, and RCW 79.01.168; amending section 50, chapter 255, Laws of 1927 as last amended by section 21, chapter 257, Laws of 1959, and RCW 79.01.200; amending section 51, chapter 255, Laws of 1927 as last amended by section 22, chapter 257, Laws of 1959, and RCW 79.01.204; amending section 85, chapter 255, Laws of 1927 as last amended by section 1, chapter 145, Laws of 1945, and RCW 79.01.340; amending section 96, chapter 255, Laws of 1927 as last amended by section 1, chapter 147, Laws of 1945, and RCW 79.01.384; amending section 97, chapter 255, Laws of 1927 as last amended by section 35, chapter 257, Laws of 1959, and RCW 79.01.388; amending

section 98, chapter 255, Laws of 1927 as last amended by section 36, chapter 257, Laws of 1959, and RCW 79.01.392; amending section 142, chapter 255, Laws of 1927 as last amended by section 39, chapter 271, Laws of 1951, and RCW 79.01.568; amending section 162, chapter 255, Laws of 1927 as last amended by section 38, chapter 257, Laws of 1959, and RCW 79.01.644; amending section 1, chapter 203, Laws of 1949, and RCW 79.12.570; and adding two new sections to chapter 79.01 RCW.

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

SECTION 1. Section 33, chapter 255, Laws of 1927, as last amended by section 13, chapter 257, Laws of 1959, and RCW 79.01.132 are each amended to read as follows:

RCW 79.01.132 amended.

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, the full purchase price thereof shall be paid in cash: *Provided*, That upon the request of the purchaser, any sales over two thousand dollars appraised value shall be on the installment plan. When valuable materials are sold on an installment basis, a deposit not to exceed twenty-five percent of the purchase price, but not less than two thousand dollars, shall be made at the time of sale, either by cash or by certified check or by postal money order and the operator shall notify the commissioner before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the commissioner may require additional payment. The amount of payments shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed and said deposit shall be maintained until all valuable materials are removed: *And provided further*, That said deposit may be applied as the final payment for said materials.

Public lands.
Timber and valuable materials sold separately—
Cash or installment payments—
Time limit on removal—
Reversion—
Extension.

In all cases where timber, fallen timber, stone, gravel, or other valuable material, is sold separate

from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: *Provided*, That in all cases where, in the judgment of the commissioner of public lands, the purchaser is acting in good faith and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding ten years, upon payment to the state of a sum, to be fixed by the commissioner, of not less than one nor more than ten dollars per acre per annum: *Provided further*, That such sum shall not be less than ten dollars per extension: *And provided further*, That such sum for extensions of timber sales shall be based on the growing capacity of the land, and the commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold.

RCW 79.01.168 amended.

SEC. 2. Section 42, chapter 255, Laws of 1927, as last amended by section 17, chapter 257, Laws of 1959, and RCW 79.01.168 are each amended to read as follows:

Sale of valuable materials without application or deposit.

The commissioner of public lands may cause valuable materials on state lands to be inspected and appraised and offered for sale when authorized by the board of natural resources without an application having been filed, or deposit made, for the purchase of the same.

RCW 79.01.200 amended.

SEC. 3. Section 50, chapter 255, Laws of 1927, as last amended by section 21, chapter 257, Laws of 1959, and RCW 79.01.200 are each amended to read as follows:

Sale procedure. Sales at auction—Minimum price—Except-

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the

terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: *Provided*, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: *Provided further*, That when valuable material has been appraised at an amount not exceeding two thousand dollars, the commissioner of public lands, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold.

tion as to
minor sales.

SEC. 4. Section 51, chapter 255, Laws of 1927, as last amended by section 22, chapter 257, Laws of 1959, and RCW 79.01.204 are each amended to read as follows:

RCW 79.01.204
amended.

Such sales shall be conducted under the direction of the commissioner of public lands, by his authorized representative or by the county auditor of the county in which the sale is held. The commissioner's representative and the county auditor are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder must deposit with the auctioneer, either in cash or by certified check, or by postal money order, payable to the order of the commissioner of public lands, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land or valuable materials offered for sale, together with any fee required by law for the issuance of contracts, deeds or bills of sale. Said deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price

Conduct of
sales—
Deposits—
Memorandum
of purchase.

established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due, shall on the day of the sale be paid in cash, certified check, draft, postal money order, or by personal check made payable to the commissioner. Other deposits, if any, will be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser, a memorandum of his purchase containing a description of the land, or materials, purchased, the price bid and the terms of the sale. The auctioneer shall at once send to the commissioner such cash or certified check, draft or postal money order, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the commissioner.

RCW 79.01.340
amended.

SEC. 5. Section 85, chapter 255, Laws of 1927, as last amended by section 1, chapter 145, Laws of 1945, and RCW 79.01.340 are each amended to read as follows:

Right of way
for roads or
streets over or
for county
wharves upon
public lands.

Any county or city or the United States of America or state agency desiring to locate, establish and construct a road or street over and across any public lands of the state of Washington, or any county desiring to construct any wharf on tide or shore lands, shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, or proper agency of the United States of America, or state agency, cause to be filed in the office of the commissioner of public lands a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer or proper agency of the United States of America, or state agency, showing the location of the proposed

road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way is desired, the amount of land to be taken and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the commissioner of public lands, if he deem it for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of any timber thereon and notify the petitioner of such appraised value.

If there be no timber on the proposed right of way, or upon the payment of the appraised value of any timber thereon, to the commissioner of public lands in cash, or by certified check drawn upon any bank in this state, or postal money order, except for all rights of way granted to the department of natural resources on which the timber, if any, shall be sold at public auction or by sealed bid, the commissioner may approve the plat filed with the petition and file and enter the same in the records of his office, and such approval and record shall constitute a grant of such right of way from the state.

SEC. 6. Section 96, chapter 255, Laws of 1927 as last amended by section 1, chapter 147, Laws of 1945 and RCW 79.01.384 are each amended to read as follows:

RCW 79.01.384
amended.

A right of way through, over and across any state lands, tidelands, shorelands, beds of navigable waters, oyster reserves belonging to the state, the reversionary interest of the state in oyster lands, or state forest lands, may be granted to any municipal or private corporation, company, association, individual, or the United States of America, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume

Right of way
for utility pipe
lines, trans-
mission lines,
etc.

or pipe line for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

RCW 79.01.388
amended.

SEC. 7. Section 97, chapter 255, Laws of 1927, as last amended by section 35, chapter 257, Laws of 1959, and RCW 79.01.388 are each amended to read as follows:

—Procedure to
acquire.

In order to obtain the benefits of the grant made in RCW 79.01.384, the municipal or private corporation or company, association, individual, or the United States of America, constructing or proposing to construct, or which has heretofore constructed, such telephone line, ditch, flume, pipe line or transmission line, shall file, with the commissioner of public lands, 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 make payment therefor as provided in RCW 79.01-.392. The land within the 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 purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same, and the grant shall include the right to cut all standing timber, and/or reproduction within said right of way. The grant shall also include the right to cut trees marked as danger trees by the applicant outside of the right of way, which shall be dangerous to the operation and maintenance of the telephone line, ditch, flume, pipe line or transmission line upon full payment of the appraised value thereof.

RCW 79.01.392
amended.

SEC. 8. Section 98, chapter 255, Laws of 1927, as last amended by section 36, chapter 257, Laws of 1959, and RCW 79.01.392 are each amended to read as follows:

Upon the filing of the plat and field notes, as provided in RCW 79.01.388, the land applied for and the standing timber and/or reproduction on the right of way applied for, and the marked danger trees to be felled off the right of way, if any, and the improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the land applied for, or upon payment of an annual rental when the department of natural resources deems a rental to be in the best interest of the state, and upon full payment of the appraised value of the standing timber, reproduction, and improvements, if any, the commissioner of public lands shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in his office, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way. Should the corporation, company, association, individual, or the United States of America, securing such right of way ever abandon the use of the same for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

~~—Appraisal—
Certificate—
Reversion for
nonuser.~~

SEC. 9. Section 142, chapter 255, Laws of 1927, as last amended by section 39, chapter 271, Laws of 1951, and RCW 79.01.568 are each amended to read as follows:

RCW 79.01.568
amended.

The beds of all navigable tidal waters in this state lying below extreme low tide not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon artificial oyster beds, or for the purpose of cultivating clams and other edible shellfish for periods not to

Leasing for
artificial
oyster beds
authorized.

exceed ten years and in quantities not to exceed forty acres, to any one person or corporation.

RCW 79.12.570 amended.

SEC. 10. Section 1, chapter 203, Laws of 1949, and RCW 79.12.570 are each amended to read as follows:

Share crop lease authorized—Terms—Application.

The commissioner of public lands may lease agricultural school and granted lands on a share crop basis. Share crop leases shall be on such terms and conditions and for such length of time, not to exceed ten years, as the commissioner may prescribe. Upon receipt of a written application to lease agricultural school and granted lands, the commissioner shall make such investigations as he shall deem necessary and if he finds that such a lease would be advantageous to the state, he may proceed with the leasing of such land on said basis.

New section.

SEC. 11. There is added to chapter 79.01 RCW a new section to read as follows:

Sale of rock, gravel, sand and silt from public lands on royalty basis.

The commissioner of public lands, upon application by any person, firm or corporation, may enter into a contract providing for the sale and removal of rock, gravel, sand and silt located upon state lands or state forest lands, and providing for payment to be made therefor on a royalty basis. The issuance of a contract shall be made after public auction and such contract shall not be issued for less than the appraised value of the material.

Each application made pursuant to this section shall set forth the estimated quantity and kind of materials desired to be removed and shall be accompanied by a map or plat showing the area from which the applicant wishes to remove such materials. The commissioner of public lands may in his discretion include in any contract entered into pursuant to this section, such terms and conditions protecting the interests of the state as he may require. In each such contract the commissioner of public lands shall provide for a right of forfeiture by the state, upon

Right of forfeiture.

a failure to operate under the contract or pay royalties for periods therein stipulated, and he may require a bond with a surety company authorized to transact a surety business in this state, as surety, to secure the performance of the terms and conditions of such contract including the payment of royalties. The right of forfeiture shall be exercised by entry of a declaration of forfeiture in the records of the commissioner of public lands. The amount of rock, gravel, sand, or silt taken under the contract shall be reported monthly by the purchaser to the commissioner of public lands and payment therefor made on the basis of the royalty provided in the contract.

Bonds.

The commissioner of public lands may inspect and audit books, contracts and accounts of each person removing rock, gravel, sand, or silt pursuant to any such contract and make such other investigation and secure or receive any other evidence necessary to determine whether or not the state is being paid the full amount payable to it for the removal of such materials.

Sec. 12. There is added to chapter 79.01 RCW a new section to read as follows:

New section.

The department of natural resources may grant to any person such easements and rights in state lands, tidelands, shorelands, oyster reserves, or state forest lands as the applicant applying therefor may acquire in privately owned lands through proceedings in eminent domain. No grant shall be made under this section until such time as the full market value of the estate or interest granted together with damages to all remaining property of the state of Washington has been ascertained and safety secured to the state.

Easements and rights in state lands, grants authorized.

Passed the Senate February 13, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 74.

[S. B. 114.]

MUNICIPAL AIRPORTS—POWERS—FIRE PROTECTION.

AN ACT relating to aeronautics; amending section 3, chapter 182, Laws of 1945 and RCW 14.08.020; and section 1, chapter 14, Laws of 1957 as amended by section 2, chapter 231, Laws of 1959, and RCW 14.08.120.

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

RCW 14.08.020 amended.

SECTION 1. Section 3, chapter 182, Laws of 1945 and RCW 14.08.020 are each amended to read as follows:

Municipal airports, 1945 act. Airports as public purpose.

The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such municipalities in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public, governmental, county and municipal purposes and as a matter of public necessity.

RCW 14.08.120 amended.

SEC. 2. Section 1 [chapter 14, Laws of 1957] as amended by section 2, chapter 231, Laws of 1959, and RCW 14.08.120 are each amended to read as follows:

Specific powers of municipalities operating airports.

In addition to the general powers in this chapter conferred, and without limitation thereof, a municipality which has established or may hereafter establish airports, restricted landing areas or other air navigation facilities, or which has acquired or

set apart or may hereafter acquire or set apart real property for such purpose or purposes is hereby authorized:

(1) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation and regulation thereof in an officer, a board or body of such municipality by ordinance or resolution which shall prescribe the powers and duties of such officer, board or body; and such municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of such municipality by an ordinance or resolution which shall include (a) the terms of office not to exceed six years which terms shall be staggered so that no more than three terms will expire in the same year, (b) the method of appointment and filling vacancies, (c) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (d) the powers and duties of the commission, and (e) any other matters necessary to the exercise of the powers relating to industrial and commercial development. The expense of such construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation and regulation shall be a responsibility of the municipality.

(2) To adopt and amend all needful rules, regulations and ordinances for the management, government and use of any properties under its control, whether within or without the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire protection equipment and facilities, and the right to contract with any private body or political sub-

division of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of said rules, regulations and ordinances, and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, such part of all highways, roads, streets, avenues, boulevards, and territory as adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter shall be under like control and management of the municipality. It may also adopt and enact rules, regulations and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within such municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They must conform to and be consistent with the laws of this state and the rules and regulations of the aeronautics commission of the state and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(3) Municipalities operating airports may create a special airport fund, and provide that all receipts from the operation of such airports be deposited in such fund, which fund shall remain intact from year to year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction or operation of airports or airport facilities.

(4) To lease such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department of either thereof, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment of such airports; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services and facilities: *Provided*, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(5) Such municipality acting through its governing body may sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under subdivision (1) of this section, may lease any airport property for aircraft landings, aircraft takeoffs or related aeronautic purposes: *Provided*, That if there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs or related aeronautic purposes, then the municipal

airport commission may lease such space, land, area or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions as to the municipal airport commission may seem just and proper: *Provided*, That any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing or industrial purpose or operation relating to, identified with or in any way dependent upon the use, operation or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed seventy-five years: *And provided further*, That any such lease of real property made for a longer period than ten years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five year period thereafter, to be readjusted at the commencement of each such period, if written request for such readjustment is given by either party to the other at least thirty days before the commencement of the five year period in respect of which such readjustment is requested. If in such event the parties cannot agree upon the rentals for such five year period they shall submit to have the disputed rentals for such five year period adjusted by arbitration. The lessee shall pick one arbitrator and the governing body of the municipality one, and the two so chosen shall select a third, and such board of arbitrators, after a review of all pertinent facts may increase or decrease such rentals, or continue the previous rate thereof.

The proceeds of sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. In the

event all the proceeds of sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

(6) To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: *Provided*, That in all cases the public is not deprived of its rightful, equal and uniform use of such property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges.

(7) To exercise all powers necessarily incidental to the exercise of the general and special powers herein granted.

Passed the Senate February 28, 1961.

Passed the House February 27, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 75.

[S. B. 119.]

GAME AND GAME FISH—PROHIBITED ACTS.

AN ACT relating to game and game fish; defining crimes; and amending section 77.16.040, chapter 36, Laws of 1955 and RCW 77.16.040.

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

RCW 77.16.040
amended.

SECTION 1. Section 77.16.040, chapter 36, Laws of 1955 and RCW 77.16.040 are each amended to read as follows:

Trafficking in
game and
game fish pro-
hibited—
Exception—
Penalty.

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to have in his possession for sale or with intent to sell, or to expose or offer for sale, or to sell, or to barter for, or to exchange, or to buy, or to have in his possession with intent to ship, or to ship, any game animal, game bird or game fish or any part thereof: It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such game animal, game bird or fish or any part thereof: *Provided*, That nothing contained in this section shall prohibit any person from buying, selling, or shipping any lawfully tagged or sealed game animal, game bird, or game fish purchased from a licensed game farmer.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Passed the Senate February 18, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 76.

[S. B. 143.]

WASHINGTON STATE UNIVERSITY—EXCHANGE,
LEASE OF LANDS.

AN ACT relating to public lands; and authorizing the exchange and lease of certain real properties by the board of regents of Washington State University.

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

SECTION 1. The board of regents of Washington State University is authorized to exchange all or any part of the following described real property in Whitman county, state of Washington:

Exchange of property in Whitman county authorized.

The Southwest quarter of the Northeast quarter of section 30, township 15 North, range 45 East, W. M. for all or any part of

Description.

The Southeast quarter of the Southeast quarter of section 4, township 14 North, range 45 East, W. M.

SEC. 2. The board of regents of Washington State University is authorized to exchange all or any part of the following described real property in Benton county, state of Washington:

Exchange of property in Benton county authorized.

A tract of land lying in the Southeast quarter of the Northwest quarter of section 19, township 9 North, range 25 East, W. M. described as follows:

Description.

Commencing at a hub marking the Northwest corner of the Northeast quarter of the Northwest quarter of said section 19; thence South 00° 47' West along the West line of said subdivision a distance of 1320 feet; thence South 89° 13' East a distance of 813 feet; then South 00° 47' West a distance of 264 feet to the true point of beginning of tract; thence continuing South 00° 47' West a distance of 544.5 feet; thence North 89° 13' West a distance of 400 feet; thence North 00° 47' East a distance of 544.5

feet; thence South 89° 13' East a distance of 400 feet to the true point of beginning;
 for all or any part of
 West 500 feet of South 435.6 feet of Northeast quarter of Southwest quarter of section 6, township 9 North, range 25 East, W. M.

Lease of property in Whitman county authorized.

SEC. 3. The board of regents of Washington State University is authorized to lease and let under such terms and conditions as the board may determine the following described real estate located in Whitman county, state of Washington:

Description.

Block 5 and Lots 7 and 8, and those parts of Lots 2, 3, 4, 5, 6 and 9 in Block 4, Agricultural College Addition to Pullman, according to the recorded plat thereof lying Southwesterly of Primary State Highway No. 3, together with those portions of Lincoln Avenue, A Street and Olympia Avenue adjoining thereto which have been vacated by process of law. Also that portion of Lot 7, Block 3, College Park Addition to Pullman, according to the recorded plat thereof lying Southwesterly of Primary State Highway No. 3.

Appraisals.

SEC. 4. Any exchange under the provisions of sections 1 and 2 of this act shall be only for property of at least equal value as determined by two competent and disinterested appraisers.

Passed the Senate February 18, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 77.

[S. B. 157.]

EXCHANGE OF PUBLIC LANDS.

AN ACT relating to the exchange of lands; amending section 1, chapter 77, Laws of 1937 and RCW 76.12.050; amending section 2, chapter 77, Laws of 1937 and RCW 76.12.060; adding a new section to chapter 77, Laws of 1937 and to chapter 76.12 RCW; and amending section 1, chapter 290, Laws of 1957 and RCW 79.08.180.

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

SECTION 1. Section 1, chapter 77, Laws of 1937 and RCW 76.12.050 are each amended to read as follows:

RCW 76.12.050 amended.

The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington.

Reforestation. Exchanges to block up holdings.

SEC. 2. Section 2, chapter 77, Laws of 1937 and RCW 76.12.060 are each amended to read as follows:

RCW 76.12.060 amended.

The commissioner of public lands shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to complete an exchange as authorized by the board of natural resources under section 1 of this act.

—Deeds.

New section.

SEC. 3. There is added to chapter 77, Laws of 1937 and to chapter 76.12 RCW a new section to read as follows:

Administra-
tion of lands
acquired.

Lands acquired by the state of Washington as the result of any exchange authorized under section 1 of this act shall be held and administered for the benefit of the same fund and subject to the same laws as were the lands exchanged therefor.

RCW 79.08.180
amended.

SEC. 4. Section 1, chapter 290, Laws of 1957 and RCW 79.08.180 are each amended to read as follows:

Exchange of
lands to facili-
tate marketing
of forest prod-
ucts, block up
state lands.

For the purpose of facilitating the marketing of forest products of state lands, or consolidating and blocking up of state lands, the commissioner of public lands may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved, exchange any state lands with any timber thereon for any other land of equal value, including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands.

Passed the Senate February 14, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 78.

[S. B. 170.]

ELECTIONS—ABSENTEE VOTING.

AN ACT relating to elections; and adding two new sections to chapter 41, Laws of 1933 extraordinary session and to chapter 29.36 RCW.

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

New section.

SECTION 1. There is added to chapter 41, Laws of 1933 extraordinary session and to chapter 29.36 RCW a new section to read as follows:

Canvassing boards of any primary or election, including a state primary or state general election, shall not tabulate or record votes cast by absentee ballots on any uncontested office.

Absentee voting—Procedure when on uncontested office.

Each voter casting an absentee ballot not counted as provided in this section, nevertheless, shall be credited with voting on his permanent voting history record. Further, such uncounted absentee ballots shall be retained for the same length of time and in the same manner as paper ballots cast in person as provided by RCW 29.54.070.

SEC. 2. There is added to chapter 41, Laws of 1933 extraordinary session and to chapter 29.36 RCW a new section to read as follows:

New section.

If the official canvass of any primary or election has been completed and the statutory time has elapsed in which to file a recount or contested election, should any candidate desire to have such uncounted absentee ballots counted which were cast on his position, such request shall be honored under the following conditions:

Requisites for recount of certain absentee ballots.

(1) The request must be made in writing and filed within sixty days following such primary or election with the officer who conducted the election.

(2) The count of such absentee ballots is to be done informally and at the convenience of the election officer concerned but in no event shall the count be delayed more than sixty days from the time application is filed.

Passed the Senate February 7, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 79.

[S. B. 179.]

COUNTY OFFICERS' TRAVEL EXPENSES.

AN ACT relating to county officers' travel expenses; raising mileage allowances; and amending section 1, chapter 35, Laws of 1961 (House Bill No. 162) and RCW 36.17.030.

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

RCW 36.17.030 amended.

SECTION 1. Section 1, chapter 35, Laws of 1961 (House Bill No. 162) and RCW 36.17.030 are each amended to read as follows:

County officers, expenses.

All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed ten cents per mile for each mile of necessary travel.

Passed the Senate February 13, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 80.

[S. B. 206.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 32.12.010, chapter 13, Laws of 1955 as amended by section 2, chapter 41, Laws of 1959, and RCW 32.12.010; amending section 32.12.020, chapter 13, Laws of 1955 as amended by section 3, chapter 41, Laws of 1959, and RCW 32.12.020; amending section 32.12.090, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of 1957, and RCW 32.12.090; amending section 32.20.250, chapter 13, Laws of 1955, as last amended by section 4, chapter 41, Laws of 1959, and RCW 32.20.250; amending section 32.20.260, chapter 13, Laws of 1955, and RCW 32.20.260; amending section 32.20.270, chapter 13, Laws of 1955 as amended

by section 5, chapter 41, Laws of 1959, and RCW 32.20.270; and amending section 32.20.275, chapter 13, Laws of 1955, and RCW 32.20.275.

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

SECTION 1. Section 32.12.010, chapter 13, Laws of 1955 as amended by section 2, chapter 41, Laws of 1959, and RCW 32.12.010 are each amended to read as follows:

RCW 32.12.010 amended.

When the aggregate amount of deposits, dividends and interest to the credit of any depositor in the same capacity and the same right is twenty-five thousand dollars or more, such aggregate shall not be increased by the receipt from the depositor of any further deposit but may be increased by the crediting of dividends or interest or by the consolidation of savings banks having common depositors, or may be further increased to the fullest extent that any such further increase is insured by the United States government, or any agency thereof, including the Federal Deposit Insurance Corporation.

Mutual savings banks. Limitation of deposits.

Deposits in a different capacity or different right include the following:

(1) Deposits in the name of the depositor and another or others in joint form with right of survivorship: *Provided*, That the aggregate in all such accounts on which all of such joint depositors are the same shall be deemed to be held in the same capacity and the same right.

(2) Deposits in the name of the depositor as trustee for another under a voluntary and revocable trust: *Provided*, That the aggregate in all such accounts on which the beneficiaries are the same shall be deemed to be held in the same capacity and the same right.

(3) Deposits in the name of the depositor and another in joint form with right of survivorship as trustee for another under a voluntary and revocable

trust: *Provided*, That the aggregate in all such accounts on which all of the trustees and all of the beneficiaries are the same shall be deemed to be held in the same capacity and the same right.

(4) Deposits in the name of, or on behalf of, a partnership or other form of multiple ownership enterprise.

(5) Deposits in the name of a corporation, society, or unincorporated association.

(6) Deposits maintained by a person, society, or corporation as administrator, executor, guardian, or trustee under a will or trust agreement.

(7) Deposits designated as community property of a marital community, whether in the name of either or both of the members of the community.

(8) Deposits designated as separate property of the depositor.

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 dividends or interest.

RCW 32.12.020
amended.

SEC. 2. Section 32.12.020, chapter 13, Laws of 1955 as amended by section 3, chapter 41, Laws of 1959, and RCW 32.12.020 are each amended to read as follows:

Repayment of
deposits and
dividends.

The sums deposited with any savings bank, together with any dividends or interest 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 section and RCW 32.12.030. Such regulation shall be posted in a conspicuous place in the room where the business

of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(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 subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the passbook of the depositor is produced, and the proper entry is made therein at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook, 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 supervisor 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) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook of the depositor, and any

payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook may be omitted where a number of depositors similarly situated have accounts in the nature of vacation plan accounts, retirement plan accounts, or similar types of accounts. Separate ledger cards shall be kept for such accounts on which shall be entered deposits, withdrawals, and interest credited.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been 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 was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

RCW 32.12.090
amended.

SEC. 3. Section 32.12.090, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of

1957, and RCW 32.12.090 are each amended to read as follows:

(1) Every savings bank shall regulate the rate of dividends not to exceed six percent 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 bank after transferring the amount required by RCW 32.08.120 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 percent 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 reserves for losses, or other contingencies, or as undivided profits, such additional sums as they may deem wise.

Dividends—
Rate—Decla-
ration of—
Extra—Notice
of changed
rate.

(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 a 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 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 its minutes, whereon shall be recorded the ayes and noes upon each vote;

(b) Pay any dividend other than the regular quarterly or semiannual dividend, or the extra dividends prescribed elsewhere in this title: *Provided*, That such bank may pay interest not less often than annually on the anniversary dates of accounts separately classified for this purpose;

(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*, That deposits made not later than the tenth day of any month (unless the tenth day is not a business day, in which case it may be the next succeeding business day), or withdrawn upon one of the last three business days of the month ending any quarterly or semiannual dividend period, may have dividends declared upon them for the whole of the period or month when they were so deposited or withdrawn: *Provided further*, That if the bylaws 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) The trustees of any savings banks whose undivided profits and guaranty fund, determined in the manner prescribed in RCW 32.12.070, amount to more than twenty-five percent of the amount due its depositors, shall at least once in three years divide equitably the accumulation beyond such twenty-five percent 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.

RCW 32.20.250
amended.

SEC. 4. Section 32.20.250, chapter 13, Laws of 1955, as last amended by section 4, chapter 41, Laws

of 1959, and RCW 32.20.250 are each amended to read as follows:

A mutual savings bank may invest not to exceed seventy-five percent of its funds in loans secured by first mortgages on real estate subject to the following restrictions:

Investments.
Real estate

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

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 seventy-five percent of the value of such real estate, including improvements, except that in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall

not be more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of principal and interest in annual, semi-annual, quarterly or monthly payments, at a rate which if continued would repay the loan in full in not more than twenty years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security: *Provided*, That a mortgage loan secured by property improved with one to four family residential dwellings may require the payment of principal and interest in annual, semiannual, quarterly or monthly payments, at a rate which, if continued, would repay the loan in full in not more than twenty-five years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

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 deposited with the savings bank or its agent or trustee and to be payable to the savings bank in event of loss: *Provided*, That the savings bank may, at its option, forego insurance in either of the following cases:

- (1) A loan upon agricultural land, or
- (2) A loan upon a feehold interest in urban property subject to an outstanding lease.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

No mortgage loan, or renewal or extension thereof

for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the 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 the application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and 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 mortgaged property is located.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

SEC. 5. Section 32.20.260, chapter 13, Laws of 1955, and RCW 32.20.260 are each amended to read as follows:

RCW 32.20.260 amended.

Limits of total investment in contracts and certain mortgages. A mutual savings bank may invest not to exceed fifteen percent of its funds in contracts for the sale of real estate subject to the following restrictions:

Real estate contracts. Limits of total investment in contracts and certain mortgages.

(1) That it acquire the title in fee to the property covered by such contract;

(2) That the property subject to the contract is such as would be eligible, and that the balance owing thereon is no greater and is payable within the times prescribed under RCW 32.20.250 for a mortgage loan secured by the property;

(3) That the purchaser shall not be in default in any of the terms of the contract.

The total amount which a mutual savings bank may invest in contracts for the sale of realty, mortgages upon real estate and participations therein, and mortgages upon leasehold estates shall not exceed seventy-five percent of its funds.

RCW 32.20.270
amended.

SEC. 6. Section 32.20.270, chapter 13, Laws of 1955 as amended by section 5, chapter 41, Laws of 1959, and RCW 32.20.270 are each amended to read as follows:

First mort-
gages upon
leaseholds.

A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss, or the proceeds of such policy to be impounded or payable to a trustee for use in repairing or rebuilding or replacing improvements on the leasehold.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the 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 upon such application according to their best judgment the value of the leasehold interests to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold 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 property under lease is situated.

No mutual savings bank shall loan upon a leasehold interest in real estate unless,

(1) The lease contains a provision requiring the feeholder or his successors in interest to notify, in writing, the holder of any mortgage on the leasehold estate of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs and unless the lease also provides that in the event of default of the lessee in the performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the holder of the

mortgage on the leasehold estate has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease, or

(2) In the event the lease does not contain the provisions above described, the savings bank, prior to such loan, has obtained an agreement from the owner of the feehold to notify the savings bank of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs, and that in event of default of the lessee in performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the savings bank has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease. Such agreement shall be signed by the owner of the feehold estate and by all other persons or corporations holding a mortgage or other interest in the feehold estate, and shall be in such form as to bind their successors in interest, and shall be immediately recorded in the office of the county auditor of the county in which the property is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of twenty years, or in any case where the lease is to expire in less than one and one-half times the term of the loan.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least five years prior to the expiration of the lease.

No loan on a leasehold estate shall be for an amount greater than two-thirds of the value of such leasehold estate. A loan may be made on a leasehold estate which is to be improved by a building or

buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

The total amount which a mutual savings bank may invest in contracts for the sale of realty, mortgages upon real estate and participations therein, and mortgages upon leasehold estates shall not exceed seventy-five percent of its funds.

SEC. 7. Section 32.20.275, chapter 13, Laws of 1955, and RCW 32.20.275 are each amended to read as follows:

RCW 32.20.275 amended.

A mutual savings bank may invest in loans secured by first mortgages which are eligible for investment by such banks, the making or holding of which is participated in by others. The note, mortgage and insurance may run to the participants as their interests may appear, or to any one of the participants if the other participants are furnished documents evidencing their interests which are suitable for recording, and such note, mortgage and insurance may be held by any one of the participants for the benefit of all participants as their interests may appear.

First mortgages participated in by others.

Passed the Senate February 28, 1961.

Passed the House February 27, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 81.

[S. B. 210.]

THIRD CLASS CITIES—OFFICERS—ENGINEERING SERVICES.

AN ACT relating to third class cities; and amending section 5, chapter 55, Laws of 1955, section 2, chapter 365, Laws of 1955 and RCW 35.24.020.

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

RCW 35.24.020 amended.

SECTION 1. Section 5, chapter 55, Laws of 1955, section 2, chapter 365, Laws of 1955 and RCW 35.24-.020 are each amended to read as follows:

Third class cities. City officers enumerated—Compensation.

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, police judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: *Provided*, That the council may enact an ordinance providing for the appointment of the city clerk and city attorney by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks and city attorneys shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed and if a public park is maintained, three park commissioners shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers: *Provided*, That the provisions of any

such ordinance shall not be inconsistent with any statute: *Provided further*, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his pleasure may remove all appointive officers except as otherwise provided herein. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Passed the Senate February 18, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 82.

[S. B. 218.]

INTERCOUNTY RURAL LIBRARY DISTRICTS.

AN ACT relating to intercounty rural library districts and amending section 2, chapter 75, Laws of 1947, and RCW 27.12.100 and section 4, chapter 75, Laws of 1947, and RCW 27.12.120.

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

SECTION 1. Section 2, chapter 75, Laws of 1947, and RCW 27.12.100 are each amended to read as follows:

RCW 27.12.100
amended.

An intercounty rural library district shall be established by joint action of two or more counties proceeding by either of the following alternative methods:

Intercounty
rural library
districts—
Establishment.
Procedure.

(1) The boards of county commissioners of any two or more counties shall adopt identical resolu-

tions proposing the formation of such a district to include all of the areas outside of incorporated cities or towns in such counties, as may be designated in such resolutions. In lieu of such resolutions a petition of like purport signed by ten percent of the registered voters residing outside of incorporated cities or towns of a county, may be filed with the county auditor thereof, and shall have the same effect as a resolution. The proposition for the formation of the district as stated on the petition shall be prepared by the attorney general upon request of the state library commission. Action to initiate the formation of such a district shall become ineffective in any county if corresponding action is not completed within one year thereafter by each other county included in such proposal. The county auditor in each county shall check the validity of the signatures on the petition and shall certify to the board of county commissioners the sufficiency of the signatures. If each petition contains the signatures of ten percent of the registered voters residing outside the incorporated cities and towns of the county, each board of county commissioners shall pass a resolution calling an election for the purpose of submitting the question to the voters and setting the date of said election. When such action has been taken in each of the counties involved, notification shall be made by each board of county commissioners to the board of county commisioners of the county having the largest population according to the last federal census, who shall give proper notification to each county auditor. At the next general or special election held in the respective counties there shall be submitted to the voters in the areas outside of incorporated cities and towns a question as to whether an intercounty rural library district shall be established as outlined in the resolutions or petitions. Notice of said election shall be given the

county auditor pursuant to RCW 29.27.080. The county auditor shall provide for the printing of a separate ballot and shall provide for the distribution of ballots to the polling places pursuant to RCW 29.04.020. The county auditor shall instruct the election boards in split precincts. The respective county canvassing boards in each county to be included within the intercounty rural library district shall canvass the votes and certify the results to the county auditor pursuant to chapter 29.62 RCW; the result shall then be certified by each county auditor to the county auditor of the county having the largest population according to the last federal census. If a majority of the electors voting on the proposition in each of the counties affected shall vote in favor of such district it shall thereby become established, and the board of county commissioners of the county having the largest population according to the last federal census shall declare the intercounty rural library district established.

(2) The county commissioners of two or more counties meeting in joint session attended by a majority of the county commissioners of each county may, by majority vote of those present, order the establishment of an intercounty rural library district to include all of the area outside of incorporated cities and towns in as many of the counties represented at such joint meeting as shall be determined by resolution of such joint meeting. No county, however, shall be included in such district if a majority of its county commissioners vote against its inclusion in such district.

SEC. 2. Section 4, chapter 75, Laws of 1947, and RCW 27.12.120 are each amended to read as follows:

RCW 27.12.120
amended.

All property, assets and liabilities of pre-existing library districts within the area included in an intercounty rural library district shall pass to and

—Assumption
of property,
assets,
liabilities.

be assumed by an intercounty rural library district: *Provided*, That where within any intercounty rural library district heretofore or hereafter organized under the provisions of this chapter a pre-existing library district had incurred a bonded indebtedness which was outstanding at the time of the formation of the intercounty rural library district, such pre-existing library district shall retain its corporate existence insofar as is necessary for the purpose until the bonded indebtedness outstanding against it on and after the effective date of said formation has been paid in full: *Provided further*, That a special election may be called by the board of trustees of the intercounty rural library district, to be held at the next general or special election held in the respective counties for the purpose of affording the voters residing within the area outside of the pre-existing library district an opportunity to assume the obligation of the bonded indebtedness of the pre-existing library district or the question may be submitted to the voters as a separate proposition at the election on the proposal for the formation of the intercounty rural library district.

Passed the Senate February 17, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 83.

[S. B. 244.]

IMPROVEMENT, CERTIFICATION OF PLANTING STOCK—CROP IMPROVEMENT NURSERIES.

AN ACT relating to the improvement and certification of planting stock used for propagation purposes; and providing penalties.

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

SECTION 1. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

Improvement,
certification of
planting stock.
Definitions.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society and association and every officer, agent or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage to any plant or parts thereof, or any processed, manufactured, or other products of plants.

(5) "Plant propagating stock" hereinafter referred to as "planting stock" includes any propagating materials used for the production or processing of horticultural, floricultural, viticultural or olericultural plants for the purpose of being sold, offered for sale or exposed for sale for planting or reproduction purposes: *Provided*, That it shall not include agricultural and vegetable seeds as defined in RCW 15.48.010, (2) and (3).

(6) "Certified plant stock" means the progeny of foundation, registered or certified plant stock if designated foundation and plant propagating materials that are so handled as to maintain satisfactory genetic identity and purity and have met certification standards required by this act and have been approved and certified by the director.

(7) "Foundation planting stock" means plant stock propagating materials that are increased from breeder or designated plant stock and are so handled as to most nearly maintain specific genetic identity and purity. Foundation plant stock, established by designation shall be that plant stock so designated by the director.

(8) "Breeder planting stock" means plant propagating materials directly controlled by the originating or in certain cases the sponsoring plant breeder or institution, which may include the department and which provides the source of the foundation plant stock.

(9) "Registered planting stock" means the progeny of foundation or registered planting stock or plant propagating material that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the director. This class of planting stock shall be of a quality suitable for the production of certified planting stock.

Legal plant
certifying
officer—Rules
and regula-
tions.

SEC. 2. The director is hereby designated the legal plant certifying officer for the state and he may adopt the rules necessary to carry out the purpose and provisions of this act. All such rules shall be adopted pursuant to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

Scope of rules.

SEC. 3. The director may adopt rules concerning but not limited to:

(1) The certification of planting stock as to variety, type, strain or other genetic character.

(2) The freedom of planting stock from infection by plant pests.

(3) Grades and classifications for the various varieties, types or strains of planting stock and standards and sizes for such grades and/or classifications.

(4) The labeling and identification of certified planting stock.

(5) The inspection of planting stock prior to planting, prior to and during harvest and subsequent to harvest.

SEC. 4. The director may acquire by purchase, gift, device, lease or rental, real property and any other type property, including any equipment, products or planting stock necessary to carry out the purpose of this act. Such real property shall be designated as Washington state crop improvement nurseries and may be located in remote or outlying areas where the breeder or foundation planting stock may be planted to better protect its genetic identity and freedom from plant pests.

Acquisition of property.

State crop improvement nurseries.

SEC. 5. The director may, for the purposes of maintaining and/or improving the genetic characteristics and freedom from plant pests of any foundation and breeder planting stock, make such foundation and breeder stock readily available to producers and commercial growers, acquire and plant such foundation and breeder planting stock for research and propagation.

Permissible activities.

SEC. 6. The director shall make available to producers who desire to produce certified or registered planting stock for their own use or to commercial growers of certified or registered planting stock any or all surplus planting stock: *Provided*, That the director may retain a large enough supply of such foundation and breeder planting stock so as to maintain or improve its genetic characteristics and make

Surplus planting stock available—
Sales, conditions of.

future supplies of such foundation and breeder planting stock readily available to producers and commercial growers of certified and registered planting stock. The director may sell such foundation and breeder stock and shall sell it at its actual cost to the department, as determined by the director. A condition of the sale may be that the purchaser may only use such foundation and breeder planting stock for the purpose of producing certified or registered planting stock and that it may be inspected by the director whenever necessary during its growing period or at harvest time or subsequent to harvest for certification if it is found to meet the requirements of this act and rules adopted hereunder for certified or registered planting stock.

SEC. 7. The director may, subject to rules adopted under the provisions of this act:

Issuance of certificates.

(1) Subsequent to inspection of certified or registered planting stock prior to planting and inspection during its growth and harvest and subsequent to harvest issue certificates stating that such planting stock is certified or registered planting stock.

Taking of samples.

(2) Take samples in reasonable amounts as necessary of planting stock certified or registered under the provisions of subsection 1 of this act for the purpose of checking and testing to see if such certified and registered planting stock is maintaining its genetic characteristics and freedom from plant pests. Such samples of certified or registered planting stock shall be planted and checked in Washington state crop improvement nurseries. Reports of the results of the test plantings shall be made available to the producers or commercial growers of certified or registered planting stock forthwith.

Planting stock area authorized.

SEC. 8. The director may, subsequent to obtaining real property in a remote area for the purpose of establishing a Washington state crop improvement nursery, establish a planting stock area for the

purpose of maintaining genetic qualities of planting stock and their freedom from plant pests. Such a planting stock area may be established only in areas where no commercial production of the planting stock to be planted in such Washington state crop improvement nursery is planted. No planting stock area shall be established until the director has published in a newspaper of general circulation, his intent to establish such planting stock area in the county or counties where it is to be located, once each week for three successive weeks, and that a public hearing will be held, within ten days subsequent to the last publication of such notice, for the purpose of determining the feasibility of establishing such a planting stock area. Such hearing shall be subject in addition to the foregoing requirements, to the provisions of chapter 34.04 as enacted or hereafter amended concerning contested cases. The director may in addition to the notice by publication use any other media to inform the public of his intent to establish a planting stock area.

Notice—
Hearing.

SEC. 9. No person shall make commercial plantings of any plants in a planting stock area which might affect the genetic characteristics of foundation or breeder planting stock in the Washington state crop improvement nursery located in such area, or any plantings of plants which may cause such foundation or breeder planting stock to become infested with plant pests without first obtaining a permit from the director. The director may refuse to issue such a permit if he determines subsequent to a hearing as provided for contested cases in chapter 34.04 as enacted or hereafter amended, that such plantings may endanger the planting stock located in such nursery.

Permits for
planting.

SEC. 10. The director shall by rule establish reasonable fees which may be charged by the department for the inspection, testing and certification of

Fees.

planting stock certified, registered, foundation or breeder planting stock.

Acceptable foundation or breeder seed.

SEC. 11. The director may accept for certification as foundation or breeder seed any plant material grown or produced by Washington State University, the United States department of agriculture or propagators whose plant materials are produced in conformance with the requirements of this act and rules adopted hereunder. Such propagators' plant materials shall have been under the observation of the director for a period of not less than one year pursuant to periodic inspections by the director before he may certify them as foundation or breeder planting stock.

Intergovernmental cooperation.

SEC. 12. The director may cooperate with and enter into agreements with Washington State University, experimental stations, governmental agencies of this state, other states and agencies of the federal government in order to carry out the purpose and provisions of this act.

Disposition of moneys received.

SEC. 13. All the moneys collected by the director under the provisions of this act shall be paid into the northwest nursery fund as created in RCW 15.69.020 and shall be used by the director only to carry out the provisions of this act.

Unlawful use of planting stock.

SEC. 14. It shall be unlawful for any person to sell, offer for sale, hold for sale, label, identify, represent or to advertise any planting stock as being certified, registered, foundation or breeder planting stock unless it has been inspected by the director and he has issued a certificate stating that such planting stock has met the requirements of this act and rules adopted hereunder and that it is properly identified and labeled.

Injunctive process available.

SEC. 15. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant

to this act in the superior court of Thurston county, notwithstanding the existence of other remedies at law.

SEC. 16. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy. Construction
—Act non-
exclusive.

SEC. 17. The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective. Savings

SEC. 18. If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the Senate February 7, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 84.

[S. B. 262.]

FLOOD CONTROL.

AN ACT relating to state and local participation in flood control; and amending section 4, chapter 240, Laws of 1951 and RCW 86.26.020.

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

SECTION 1. Section 4, chapter 240, Laws of 1951 and RCW 86.26.020 are each amended to read as follows: RCW 86.26.020
amended.

State participation in flood control construction, maintenance, and betterments shall be with corporate municipalities subject to flood conditions, namely, with counties, counties acting jointly, cities, State partici-
pation in flood
control
maintenance.

towns, flood control districts, diking or diking improvement districts, drainage and drainage improvement districts, diking and drainage improvement districts, irrigation districts, and soil conservation districts.

Passed the Senate February 14, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 85.

[S. B. 280.]

PUBLICATION OF OFFICIAL NOTICES BY RADIO AND TELEVISION.

AN ACT authorizing public officials to supplement certain legal notices by radio and television broadcast; and amending sections 1, 2 and 3, chapter 119, Laws of 1951 and RCW 65.16.130, 65.16.140 and 65.16.150.

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

RCW 65.16.130 amended.

SECTION 1. Section 1, chapter 119, Laws of 1951, and RCW 65.16.130 are each amended to read as follows:

Publication of official notices by radio and television—Restrictions.

Any official of the state or any of its political subdivisions who is required by law to publish any notice required by law may supplement publication thereof by radio or television broadcast or both when, in his judgment, the public interest will be served thereby: *Provided*, That the time, place and nature of such notice only be read or shown with no reference to any person by name than a candidate for political office, and that such broadcasts shall be made only by duly employed personnel of the station from which such broadcasts emanate, and that notices by political subdivisions may be made only by stations situated within the county of origin of the legal notice.

SEC. 2. Section 2, chapter 119, Laws of 1951, and RCW 65.16.140 are each amended to read as follows:

Each radio or television station broadcasting any legal notice or notice of event shall for a period of six months subsequent to such broadcast retain at its office a copy or transcription of the text of the notice as actually broadcast which shall be available for public inspection.

SEC. 3. Section 3, chapter 119, Laws of 1951, and RCW 65.16.150 are each amended to read as follows:

Proof of publication of legal notice or notice of event by radio or television broadcast shall be by affidavit of the manager, an assistant manager or a program director of the station broadcasting the same.

Passed the Senate February 17, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 86.

[S. B. 285.]

EMPLOYEE BENEFIT PLANS—LIENS FOR CONTRIBUTIONS.

AN ACT relating to liens for contributions to employee benefit plans.

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

SECTION 1. Every employer who is required to pay contributions, by agreement or otherwise, into a fund of any employee benefit plan in order that his employee may participate therein, shall pay such contributions in the required amounts and at the stipulated time or each employee affected thereby shall have a lien on the earnings and on all property used in the operation of said employer's business

to the extent of the moneys, plus any penalties, due to be paid by or on his behalf in order to qualify him for participation therein, and for any moneys expended or obligations incurred for medical, hospital, or other expenses to which he would have been entitled had such required contributions been paid.

Notice of claim.

SEC. 2. The lien claimant, or his representative on his behalf, or the trustee of the fund on the claimant's behalf, within sixty days after such payment becomes due shall file for record with the auditor of the county wherein the claimant is or was employed by such employer a notice of claim, containing a statement of the demand, the name of the employer and the name of the person employing the claimant, if known, with a statement of the pertinent terms and conditions of the employee benefit plan and the time when such contributions are due and were to have been paid, and shall serve or mail a copy thereof to said employer within such time.

Service of notice of claim.

SEC. 3. Service of the notice of claim may be made in the same manner as summons in civil actions.

Enforcement of lien.

SEC. 4. The lien may be enforced within the same time and in the same manner as mechanics' liens are foreclosed when said lien is upon real property, or within the same time and in the same manner as chattel liens are enforced when the lien is upon personal property. The court may allow, as part of the costs of the action, the moneys paid for filing or recording the claim, a reasonable attorney's fee in the superior and supreme court, and court costs.

Preference of lien.

SEC. 5. The lien created herein shall be preferred to any encumbrance which may attach after the contribution payments became due and is also preferred to any encumbrance which may have attached previous to that time, but which was not filed or

recorded so as to create constructive notice thereof prior to that time, and of which the lien claimant had no notice.

Passed the Senate February 18, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 87.

[S. B. 305.]

STATE WHEAT COMMISSION.

AN ACT establishing the state wheat commission; providing for an assessment to be laid upon wheat; prescribing penalties; specifying circumstances of taking effect; and declaring an emergency.

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

SECTION 1. It is in the public interest of all the people to protect the reputation and welfare of the wheat industry of this state. Without a commission to represent it, the wheat industry cannot effectively help itself in developing foreign and domestic markets, in promoting research to better the quality of Washington wheat, or in protecting the consumer by maintaining proper grades and standards. A wheat commission is vitally necessary to improve the competitive position of Washington wheat producers with respect to states already having such commissions, and to assist these producers in obtaining a fair return from their labor, their farms and the wheat they produce. Such a commission must be endowed with such authority as will enable it to cope swiftly and effectively with our rapidly changing economic conditions as they may affect the wheat industry. Therefore this act of the legislature is passed to establish a wheat commission, composed of wheat producers familiar with

Wheat commission act.

Legislative declaration of purposes.

the complex problems peculiar to the industry, and designed to carry out the purposes of the act as herein set forth, under the supervision of the director of agriculture. The provisions of this act are enacted in the exercise of the police powers of this state for the broad purpose of protecting the health and economic welfare not only of the wheat industry, but of labor and industry dependent upon wheat, and of the people of the state as a whole.

Definitions.

SEC. 2. As used in this act, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representatives.

(2) "Person" means any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals.

(3) "Producer" means any person engaged in the business of producing wheat, or having an interest in the production of wheat for market in commercial quantities.

(4) "Commercial quantities" means five-hundred or more bushels of wheat produced for market in any calendar year by any producer.

(5) "Wheat" means all kinds and varieties of wheat grown in the state of Washington.

(6) "Wheat commission" and "commission" are synonymous and mean the commission established pursuant to the provisions of this act.

(7) "Fiscal year" means the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive.

(8) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing wheat which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall

include any lending agency for a commodity credit corporation loan to producers.

(9) "Commercial channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat.

SEC. 3. The purposes of this act are:

Purposes
enumerated.

(1) To enable wheat producers of Washington with the aid of the state to help themselves in developing foreign and domestic markets.

(2) To provide methods and means for the development of new and larger markets for wheat grown within Washington.

(3) To carry on educational and promotional programs to help develop markets for Washington wheat.

(4) To provide methods and means for participation in whatever federal or other programs have been or may be established to make available gifts or grants for the promotion of marketing of Washington wheat in foreign countries.

(5) To promote and assist in carrying into effect production research into such matters as the development of superior varieties of wheat; methods by which yield in wheat may be increased; disease and the development of disease-resistant varieties of wheat; and more efficient means of processing, handling and marketing of wheat.

(6) To investigate and make recommendations against trade practices detrimental to the wheat industry.

(7) To promote the maintenance of uniform grades and standards suitable to marketing needs and adequate to protect the consumer.

SEC. 4. There is hereby created the Washington state wheat commission. The commission shall be

Commission
created.

composed of five members who shall be producers elected as provided in section 6 and two members who shall be appointed by the producer members so elected. The director shall be an ex officio member of the commission without vote.

The members of the commission shall be citizens and residents of the state and over the age of twenty-five years. The elective producer members shall be producers of wheat in the district in and for which they are nominated and elected. The qualifications of members of the commission must continue during their term of office.

Districts
enumerated.

SEC. 5. For the purposes of this act, the state of Washington is divided into five districts as follows:

(1) District 1: The counties of Ferry, Lincoln, Pend Oreille, Spokane, and Stevens;

(2) District 2: The county of Whitman;

(3) District 3: The counties of Asotin, Columbia, Garfield, and Walla Walla;

(4) District 4: The counties of Adams, Chelan, Douglas, Grant, and Okanogan;

(5) District 5: All other counties of the state of Washington, including the counties of Western Washington and the counties of Benton, Franklin, Kittitas, Klickitat, and Yakima in Eastern Washington.

From each district a producer member shall be elected to the commission.

Terms of
commission
members.

SEC. 6. The term of office for each member shall be three years from the date of election and until his successor is elected and qualified, except, however, that the first terms of the initial elective producer members of the commission whose terms begin on December 31, 1961 shall be as follows: Terms of members from districts 1 and 2 shall terminate December 31, 1962; terms of members from districts 3 and 4 shall terminate December 31, 1963; and terms

of members from district 5 shall terminate December 31, 1964.

The two appointed members of the commission shall be elected to terms of three years by a majority vote of the elected producer members at the first commission meeting, except, however, that the term of the member first appointed during the meeting shall terminate December 31, 1963, and the term of the remaining appointed member shall terminate December 31, 1964. Thereafter such positions shall be filled by majority vote of the elected producer members at the last meeting held prior to termination of term of office.

SEC. 7. Nominations to fill vacancies in the commission shall be made by written petition signed by not less than five wheat producers residing in the district wherein the vacancy will occur. Nominating petitions shall be sent by the director upon request to any wheat producer residing in such district. Such petitions shall be sent not earlier than September 17 and not later than October 2. Nominating petitions must be filed with the director not earlier than October 8 and not later than October 13.

Nomination,
election, of
commission
members.

Members of the commission shall be elected by secret mail ballot under supervision of the director. Ballots shall be mailed not earlier than October 18 and not later than November 2 to all wheat producers listed in the district where a vacancy will occur. They shall be returned to the director post-marked not later than November 16.

In establishing a list of producers, the director shall use the most current and complete list on file in the state department of agriculture. For any areas of the state for which such a list is not complete or current, the director may establish a supplementary list in the following manner: He shall publish a notice to wheat producers in the area involved, requiring them to file with the director a

certified report showing the producer's name, mailing address, and the yearly average quantity of wheat produced by him in the five years preceding the date of the notice or in such lesser time as the producer has produced wheat. The notice shall be published once a week for four consecutive weeks in one or more newspapers of general circulation within the district. All reports shall be filed with the director within twenty days from the last date of publication of the notice, or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep his list of producers at all times as current and complete as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by him.

Members of the commission shall be elected by a majority of votes cast by the wheat producers residing in the district, each producer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

The nomination and election of the initial members of the commission whose terms of office commence on December 31, 1961 shall be in accordance with the procedure set forth in this section.

The director shall provide reasonable public notice of the impending vacancy in each district in which a vacancy may occur, such notice to consist at a minimum of publication once a week for four consecutive weeks in one or more newspapers of general circulation within the district, and shall call for nominations in such notice: *Provided*, That non-receipt of the notice by any interested person shall not invalidate the election.

SEC. 8. In the event that by reason of the contingency specified in section 26, this act shall take effect between August 17, 1961 and February 28, 1962, the nomination and election procedures for the first election of the commission shall be postponed so that the assessment authorized by this act may be made on the 1962 wheat crop. Should this occur nominating petitions shall be sent by the director not earlier than the 17th day of the month following the month in which the act takes effect. From that time, nomination and election procedures shall continue on a time schedule parallel to that specified in sections 6 and 7. Terms of office of commission members shall begin on the last day of the month bearing the same relation to the month in which the earliest nominating petitions are filed as December does to September. Terms of office of commission members elected under the emergency procedure set forth in this section shall terminate as set forth in section 6, without change as a result of the adoption of such procedure.

Contingency nomination, election, of commission members.

SEC. 9. (1) In the event that an elective position becomes vacant because of failure to qualify, resignation, disqualification, removal, death, or for any other reason, such position shall be filled by majority vote of the remaining members of the commission until an election can be held in the manner provided for in section 7. At such election a commissioner shall be elected to fill the balance of the unexpired term.

Filling vacancy, commission membership.

(2) In the event that a nonelective position becomes vacant for reasons other than expiration of the term of office, the position shall be filled for the balance of the unexpired term by majority vote of the remaining members of the commission at the first meeting following the occurrence of the vacancy.

SEC. 10. A member of the commission may be removed by the director for malfeasance, misfeas-

Removal of commission members.

ance or neglect of duty, after being given a copy of written charges and an opportunity to be heard publicly. In addition to other causes, failure to retain the qualifications for holding office is sufficient cause for removal.

Expenses of
commission
members.

SEC. 11. Members of the commission shall receive no salary, but each member shall receive the sum of twenty dollars for each day actually spent in attendance at or in traveling to and from meetings of the commission, or on special assignment for the commission, together with subsistence and travel expenses at the rate allowed by law to state employees.

Commission
organization.

SEC. 12. (1) The commission shall meet as soon as practicable for the purpose of organizing. Thereafter the commission shall meet at least once every three months regularly at such time and place as shall be fixed by resolution of the commission.

(2) The commission shall hold an annual meeting for the presentation of an annual report and proposed budget. Notice of time and place of the annual meeting shall be given by the commission at least ten days prior thereto through notification sent to the regular wire services, newspapers, and radio, and television stations.

(3) The commission shall establish by resolution, the time, place and manner of calling special meetings. Reasonable notice of such meetings shall be given to each commission member and to the public.

(4) Five members shall constitute a quorum. Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(5) The procedure followed by the commission shall be governed in all applicable respects by the provisions of chapter 34.04 RCW, the Administrative

Procedure Act, as in force on the effective date of this act, or as thereafter amended.

(6) The commission shall, by resolution, establish and maintain an office where books, records, and minutes shall be kept.

(7) All meetings of the commission shall be open to the public. All of its records, books and minutes shall be available for public inspection.

SEC. 13. The director shall attend each meeting of the commission, and shall retain the right to approve or disapprove every order, rule or directive issued by the commission or any action taken by it, such approval or disapproval to be based on whether or not he believes the order, rule, or directive in question to have been issued in conformity with the purposes of this act and the powers granted to effectuate them. The decision of the director shall be final, subject to the judicial review authorized by section 24 of this act.

Director
review of
commission
action.

SEC. 14. (1) Consistently with the general purposes of this act, it shall be the duty of the commission to establish the policies to be followed in the effectuation of its provisions.

Commission
powers and
duties.

(2) In the administration of this act the commission shall have the following particular duties and powers:

(a) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties;

(b) To administer, enforce, direct and control the provisions of this act;

(c) To establish plans and conduct programs for education, advertising and sales promotion for the purposes of maintaining present markets, to create new or larger markets for wheat grown in the state of Washington, and to promote improved public

understanding of the problems confronting the wheat industry;

(d) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of wheat;

(e) To make studies and recommendations for the improvement of standards and grades of wheat;

(f) To investigate, report and recommend the correction of policies and practices detrimental to the Washington wheat industry;

(g) To collect the assessments of producers as provided for in this act and to expend the same in accordance with the purposes and provisions thereof;

(h) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this act during each fiscal year;

(i) To accept and receive gifts and grants and expend the same;

(j) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms as it may deem appropriate to assist it in carrying out the purposes of this act: *Provided*, That any attorney selected must be approved by the attorney general.

(k) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(l) To cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organization or agencies for the purposes specified in this act;

(m) To employ, designate as agent, act in concert with, and enter into contracts with any person,

council, or commission, whether domestic or foreign, whenever such action is not prohibited by law, for the purpose of promoting the general welfare of the wheat industry, and particularly for the purpose of assisting in the sale and distribution of wheat in domestic or foreign commerce; and to expend its funds, or such portion thereof as it may deem advisable for such purpose, and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of wheat in foreign countries;

(n) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this act;

(o) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by agencies of the state;

(p) To borrow money and incur indebtedness;

(q) To make necessary disbursements for routine operating expenses;

(r) To establish an interest bearing reserve fund in any bank selected by the commission which is an approved state depository, if, in the opinion of the commission, the establishment of such a fund will further the purposes of this act;

(s) To exercise all express and implied rights, powers and authority that may be necessary to perform and carry out the expressed purposes of this act, and all of the purposes reasonably implied incidentally thereto, and lawfully connected therewith.

SEC. 15. It is hereby assessed and levied and the commission shall collect an assessment at the rate of one-fourth cent per bushel upon the sale or dis-

Assessments
on wheat.

position of all wheat grown in this state and sold through commercial channels, such assessment to be used for the benefit of the wheat industry as provided in this act. The assessment shall begin with and include wheat harvested in the crop of the fiscal year 1962, and shall include each and every crop thereafter. It shall be levied and assessed to the producer at the time of sale, and shall be deducted by the first purchaser from the price paid to the producer at the time of sale, or, in the case of a pledge or mortgage of wheat as a security for a loan under any federal price support program or otherwise, the assessment shall be collected by deducting the amount thereof from the proceeds of such loan, at the time the loan is made by the agency or person making the loan. The assessment shall be deducted as provided in this section whether the wheat is stored in this or any other state. No assessment shall be levied or collected on wheat grown and used by the producer for feed, seed or personal consumption. The assessment constitutes a lien prior to all other liens and encumbrances upon such wheat.

Collection of
assessments,
method

SEC. 16. The commission shall by rule or regulation prescribe the method of collection of the assessment, and for that purpose may require handlers receiving wheat from the producer, including warehousemen and processors, to collect producer assessments from producers whose wheat they handle and remit the same to the commission.

Producer,
handler,
records.

SEC. 17. Each producer and handler shall keep a complete and accurate record of all wheat grown, handled, shipped, or processed by him. This record shall be in such form and contain such information as the commission may by rule and regulation prescribe, and shall be preserved for a period of two years, and be subject to inspection at any time upon demand of the commission or its agents.

Each producer and handler shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of wheat handled, shipped, or processed by him during the period prescribed by the commission. The return shall contain such further information as the commission shall require.

The commission may inspect the records of any producer or handler during reasonable business hours for the purpose of enforcing this act and the collection of the assessment.

SEC. 18. At the end of each fiscal year, the commission shall credit each producer with any amount over one dollar paid by such producer in excess of one-fourth cent per bushel of wheat. Refund may be made upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the commission.

Refunds on assessments.

SEC. 19. The commission shall appoint a secretary-treasurer who shall file with it a bond executed by a surety company authorized to transact surety business in the state of Washington, in favor of the commission and the state, in the penal sum of fifty thousand dollars, guaranteeing the faithful performance of his duties and strict accounting of all funds of the commission.

Secretary-treasurer of commission—Bond.

SEC. 20. All moneys received or collected by the commission, or by any other state official from the assessment herein levied or from any other source in accordance with the terms and provisions of this act, shall be paid to the secretary-treasurer, deposited in such banks, which are approved state depositories, as the commission may designate, and disbursed by order of the commission. None of the provisions of RCW 43.01.050 shall be applicable to any moneys received or collected under the terms

Disposition of moneys received.

of this act. Moneys received or collected hereunder shall be used only to pay for costs and expenses incurred in effectuating the provisions and purposes of this act.

Liability for
commission
obligations or
actions.

SEC. 21. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission, and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof, or against any member, employee or agent of the commission in his individual capacity. Except as otherwise provided in this act, neither the members of the commission nor its employees shall be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, save for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint, and no member shall be liable for the default of any other member.

Violation,
misdemeanor.

SEC. 22. Any person who violates or aids in the violation of any provision of this act, or any person who violates or aids in the violation of any rule or regulation of the commission shall be guilty of a misdemeanor.

Intergovern-
mental aid in
enforcement.

SEC. 23. All county and state enforcement officers and all employees and agents of the department of agriculture shall aid in the enforcement of this act. The superior courts are vested with jurisdiction to enforce the provisions thereof, and the rules and regulations issued thereunder, and to prevent and restrain violations thereof. The commission may bring in its own name an action to enjoin the

Injunctive
process
available.

violation or threatened violation of any provision of this act, or any rules adopted under this act, notwithstanding the existence of any other remedy at law, and for cause shown may obtain upon prompt hearing a temporary or permanent injunction restraining any person from such violation or threatened violation. Any prosecution brought under this act may be instituted in any county of which the defendant, or any defendant, is a resident, or in which the violation was committed, or in which the defendant, or any defendant, has his principal place of business.

SEC. 24. Any party aggrieved by any order, rule or regulation issued by the commission, or by any action taken by it, or by any action taken by the director in approving or disapproving any action of the commission, may apply to the superior court of the state of Washington in the county in which such party is a resident or has his principal place of business for a review of such decision. Where applicable, the procedure for such a review shall be that specified in chapter 34.04 RCW, the Administrative Procedure Act, as in force on the effective date of this act, or as thereafter amended. The court may thereupon take such action as in its opinion the law requires and its decision shall be appealable to the supreme court of this state subject to the laws and rules of court relating to appeals.

Appeals—
Venue—
Procedure.

SEC. 25. If any section, sentence, clause, or word of this act shall be held to be unconstitutional, the invalidity of such section, sentence, clause, or word shall not affect the validity of any other provisions of this act, it being the intent of the legislature to enact the remainder of this act, notwithstanding the unconstitutionality of any such part.

Severability.

SEC. 26. This act shall not take effect and become operative unless and until such time as the wheat commission created by the Marketing Order for

Effective date

Washington Wheat issued on December 4, 1957 by the director, acting under the terms of chapter 15.66 RCW, is declared in a final decision of the supreme court of the state of Washington to have been invalidly created either by reason of the unconstitutionality, in whole or in part, of said chapter or for any other reason. This act has been passed in order that continuity of wheat commission activities may be assured throughout the biennium and in the future; therefore, in the event the existing wheat commission should be held by the supreme court of the state of Washington to have been constitutionally and validly created, this act shall be of no force and effect whatsoever.

Emergency,
contingent.

SEC. 27. Should the wheat commission created by the Marketing Order for Washington Wheat issued on December 4, 1957 by the director, acting under the terms of chapter 15.66 RCW, be declared to have been unconstitutionally or invalidly created this act will become necessary for the preservation of the public peace, health and safety, and the support of the state government and its existing public institutions, and upon the occurrence of that contingency, shall take effect immediately.

Passed the Senate February 9, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 88.

[S. B. 457.]

VACATION AND MODIFICATION OF JUDGMENTS.

AN ACT relating to judgments; removing time limitation as to when a judgment entered by consent or stipulation and obtained by fraud or certain other grounds may be vacated or modified; amending section 4, chapter 27, Laws of 1891 and RCW 4.72.080; and declaring an emergency.

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

SECTION 1. Section 4, chapter 27, Laws of 1891 and RCW 4.72.080 are each amended to read as follows:

RCW 4.72.080 amended.

The provisions of this chapter shall not be so construed as to affect the power of the court to vacate or modify judgments or orders as elsewhere in this code provided; nor shall the time limitations set forth in this chapter within which proceedings to vacate or modify a judgment must be started apply to a judgment heretofore or hereafter entered by consent or stipulation where the grounds to vacate or modify such judgment are based on fraud or misrepresentation, or when after the entry of the judgment either party fails to fulfill the terms and conditions on which the consent judgment or stipulation was entered; nor shall any judgment of acquittal in a criminal action be vacated under the provisions of this chapter.

Vacation and modification of judgments. Construction of chapter.

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

Emergency.

Passed the Senate February 22, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 89.

[H. B. 72.]

SECOND, THIRD CLASS CITIES—TOWNS—
OFFICERS' COMPENSATION.

AN ACT relating to cities and towns; amending section 1, chapter 85, Laws of 1951, as amended by section 4, chapter 355, Laws of 1955, and RCW 35.23.220; amending section 143, page 198, Laws of 1890, section 144, page 198, Laws of 1890, section 147, page 200, Laws of 1890, section 168, page 209, Laws of 1890, section 173, page 214, Laws of 1890, sections 4 and 5, chapter 113, Laws of 1903, section 1, chapter 33, Laws of 1911, section 1, chapter 24, Laws of 1921, section 2, chapter 87, Laws of 1939, section 1, chapter 91, Laws of 1941, section 2, chapter 108, Laws of 1941, section 2, chapter 115, Laws of 1941, section 1, chapter 183, Laws of 1943, section 7, chapter 55, Laws of 1955, and RCW 35.27-.070, 35.27.090, 35.27.130 and 35.27.170; and amending section 7, chapter 184, Laws of 1915, as amended by section 1, chapter 115, Laws of 1941, and RCW 35.24.090.

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

RCW 35.23.220 amended.

SECTION 1. Section 1, chapter 85, Laws of 1951, as amended by section 4, chapter 355, Laws of 1955, and RCW 35.23.220 are each amended to read as follows:

Second class cities. Salaries of officers.

The city council shall fix the salary of all officials (except library trustees who shall serve without compensation).

No officer's salary or compensation shall be increased or diminished during his term of office, nor shall any officer be allowed any extra or additional compensation, either directly or indirectly, for the rendition of services that the city council have authority to require of him by virtue of his office.

The salaries of all city officers shall be paid monthly.

SEC. 2. Section 143, page 198, Laws of 1890, section 144, page 198, Laws of 1890, section 147, page 200, Laws of 1890, section 168, page 209, Laws of

1890, section 173, page 214, Laws of 1890, sections 4 and 5, chapter 113, Laws of 1903, section 1, chapter 33, Laws of 1911, section 1, chapter 24, Laws of 1921, section 2, chapter 87, Laws of 1939, section 1, chapter 91, Laws of 1941, section 2, chapter 108, Laws of 1941, section 2, chapter 115, Laws of 1941, section 1, chapter 183, Laws of 1943, section 7, chapter 55, Laws of 1955 (heretofore combined, divided and codified as RCW 35.27.070, 35.27.090, 35.27.130 and 35.27.170) are amended to read as set forth in sections 3 through 6 of this act.

SEC. 3. (RCW 35.27.070) The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk, a marshal, and a police justice; and may appoint a town attorney, pound master, street superintendent, civil engineer, and such police and other subordinate officers as may be provided for by ordinance. All appointive officers shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

RCW 35.27.070
amended.

Towns.
Town officers
enumerated.

SEC. 4. (RCW 35.27.090) All general municipal elections in towns shall be held biennially, irrespective of the form of government, on the second Tuesday of March in the even-numbered years. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms; three at one election and two at the next succeeding biennial election.

RCW 35.27.090
amended.

Elections—
Terms of
office.

There shall be no general municipal elections held in the year 1957 and the officers whose terms would have expired in 1957, but for the provisions of this act [1955 c 55], shall continue in office until their successors are elected at the general election to be

held on the second Tuesday of March 1958. There shall be no general municipal elections held in the year 1959 and the officers whose terms would have expired in 1959, but for the provisions of this act [1955 c 55], shall continue in office until their successors are elected at the general municipal election to be held on the second Tuesday of March 1960.

RCW 35.27.130
amended.

Compensation
of officers—
Expenses.

SEC. 5. (RCW 35.27.130) The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary not exceeding twenty dollars per meeting for not more than two council meetings per month as the council may fix by ordinance.

The clerk, treasurer, marshal, and police justice shall severally receive at stated times a compensation to be fixed by ordinance which compensation shall not be increased or diminished after their election nor during their terms of office.

The compensation of all other officers shall be fixed from time to time by the council.

RCW 35.27.170
amended.

Town
Treasurer—
Duties.

SEC. 6. (RCW 35.27.170) The town treasurer shall receive and safely keep all money which comes 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 the money on warrants signed by the mayor and countersigned by the clerk and not otherwise. He shall make monthly settlements with the clerk.

RCW 35.24.090
amended.

SEC. 7. Section 7, chapter 184, Laws of 1915, as amended by section 1, chapter 115, Laws of 1941, and RCW 35.24.090 are each amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount not exceeding twenty dollars per meeting for not more than two such meetings each month, as the city council may fix by ordinance.

Third class
cities.
Compensation
of officers—
Expenses.

The city attorney, clerk, treasurer and health officer shall severally receive at stated times a compensation to be fixed by ordinance by the city council, which compensation shall not be increased or diminished after their election (or appointment), or during their several terms of office.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

Passed the House February 28, 1961.

Passed the Senate February 27, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 90.

[H. B. 244.]

DONATION OF HUMAN REMAINS FOR MEDICAL PURPOSES.

AN ACT relating to the disposition of human remains; adding new sections to chapter 68.08 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 68.08 RCW, New sections. new sections to read as set forth in sections 2 through 6 of this act.

SEC. 2. Any person of legal age and sound mind may execute a written instrument donating the

Donation of human remains for medical purpose. Donor-Donee—Instruments of donation.

whole or any part of his or her remains to a teaching institution, university, college, the director of health of the state of Washington or any public or nonprofit therapeutic agency approved by the director or state board of health under rules and regulations established by the director or board, or to any legally licensed hospital, to be used for such medical purposes as may have been designated in the instrument, or in the absence of any such designation, to be used for such medical purposes as the named donee may determine. The designation of a donee shall not be necessary to the validity of the instrument.

Revocation.

Written instruments of donation may be revoked by the donor in writing and if the instrument has been delivered to the donee, he shall redeliver it to the donor forthwith upon receipt of the revocation.

A donee shall not be liable to any person for carrying out such instructions of the decedent.

Donor when other than decedent—Procedure.

SEC. 3. Any person upon whom devolves by law the right to control the disposition of the remains of a deceased person, unless contrary directions have been given by the decedent, may, by written instrument, authorize any physician or surgeon licensed under chapter 18.71 RCW, or any osteopathic physician or osteopathic physician and surgeon licensed under chapter 18.57 RCW, or any teaching institution, university, college, or the director of health of the state of Washington or any public or nonprofit therapeutic agency approved by the director or the state board of health under rules and regulations established by the director or the board, or any legally licensed hospital, to use the decedent's body or any part thereof for any medical purpose. The operation of this section shall not be barred by reason of the decedent not having reached the age of majority, and this section shall also have application to stillborn infants.

Any person signing such authorization warrants the truthfulness of all facts set forth in the authorization, the identity of the decedent, and his authority to make such donation.

SEC. 4. Medical purpose as used in this act shall include the removal from the decedent's remains of any part or parts thereof, the storage and preservation of such parts, and the transplanting thereof to the body of a living person.

Medical purpose includes.

SEC. 5. If the decedent or any person entitled under section 3 has donated the decedent's body or any part thereof, the hospital in which the decedent dies, or if he did not die in a hospital then the attending physician, is authorized to remove the part or parts and to make them available to the named donee, and in case no donee was designated, the hospital, or the attending physician if the death did not occur in a hospital, shall be deemed the donee, but need not accept the donation. The institutions named herein, the director and approved therapeutic agencies, hospitals, and physicians, acting pursuant to any authorization made under the provisions of this act are not liable for acting pursuant thereto unless they have actual knowledge of the falsity thereof.

Procedure upon death.

Liability.

SEC. 6. The provisions of this act shall be subject to the provisions of law with respect to the duties of county coroners.

Act subject to existing law.

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 the House February 8, 1961.

Passed the Senate March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 91.

[H. B. 320.]

MEAT INSPECTION—CUSTOM SLAUGHTERING.

AN ACT relating to meat inspection; providing penalties; making an exemption; and adding four new sections to chapter 204, Laws of 1959 and chapter 16.49 RCW.

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

New section.

SECTION 1. There is hereby added to chapter 204, Laws of 1959 and chapter 16.49 RCW the following new section:

Custom slaughtering house to slaughter livestock owned by consumer. Operators license.

When an official establishment as provided for in this act is not readily available in remote areas for the custom slaughtering of livestock, for the owner of such livestock for his own use, and it is not feasible to establish or maintain such an establishment because of economic factors, including the cost of maintaining veterinary inspection in such an establishment, the director may issue a limited license for the operation of a custom slaughtering establishment, having a fixed location, for the sole purpose of slaughtering livestock owned by the consumer, and which will be for the consumer's own use. Such custom slaughtering establishment shall be exempt from the provisions of this act relating to official establishments.

New section.

SEC. 2. There is hereby added to chapter 204, Laws of 1959 and chapter 16.49 RCW the following new section:

License.

No person shall operate a custom slaughtering establishment without first establishing the need for such an establishment and obtaining an annual license, expiring on June 30th, from the director and the payment of a twenty-five dollar license fee. If an application for renewal of the license provided for in this section is not filed prior to July 1st of any

Penalty for late renewal.

one year, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not operated such custom slaughtering establishment subsequent to the expiration of his prior license.

The application shall be on a form prescribed by the director and shall contain the following: **Application, contents.**

- (1) The location of the facility to be used.
- (2) The day or days of intended operation.
- (3) The distance to the closest official establishment as provided for in this act.
- (4) Whether the facility already exists or is to be constructed.
- (5) Any other matters that the director may require.

Upon receipt of such application the director shall consult with the meat inspection advisory board as provided for in RCW 16.49.070 and provide for a hearing to be held in the area where the applicant intends to operate a custom slaughtering establishment. Such hearing shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning contested cases. Upon the director's determination that such a custom slaughtering establishment is necessary in the area applied for and that the applicant has satisfied all other requirements of this act relating to custom slaughtering establishments including minimum facility requirements as prescribed by the director, the director shall issue a limited license to such applicant to operate such an establishment. When and if an official establishment is located and operated in the area, the director may deny renewal of the limited license subject to a hearing. **Hearing.** **Administrative procedures act to apply.**

New section SEC. 3. There is hereby added to chapter 204, Laws of 1959 and chapter 16.49 RCW the following new section:

Unlawful operation. It shall be unlawful for a licensed custom slaughterer to allow any meat to be removed from his establishment unless it has been roll-stamped with the words "not inspected—custom plant No." in a manner provided by the director. It shall also be unlawful to operate an establishment which is unclean and unsanitary and not maintained and equipped in accordance with regulations issued by the director regulating the operation of custom slaughtering establishments. The director shall have the right of entry and inspection to such custom slaughtering establishments and meat contained therein as provided in RCW 16.49.200 concerning official establishments. Any such meat shall be subject to the provisions of RCW 16.49.210.

Right of entry and inspection.

New section. SEC. 4. There is hereby added to chapter 204, Laws of 1959 and chapter 16.49 RCW the following new section:

Denial, suspension, revocation of license, grounds. The director is authorized to deny, suspend, or revoke any limited license, where such licensee has violated any provisions of the law relating to custom slaughtering establishments or the rules and regulations promulgated thereunder. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or rules adopted hereunder in the superior court of Thurston county, or where the plant is located, notwithstanding the existence of any other remedy at law.

Injunctive process available.

Passed the House February 7, 1961.

Passed the Senate March 1, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 92.

[H. B. 176.]

COUNTY PARKS AND PLAYGROUNDS.

AN ACT relating to county park and recreation programs; amending section 1, chapter 94, Laws of 1949 and RCW 36.68.010; and declaring an emergency.

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

SECTION 1. Section 1, chapter 94, Laws of 1949, and RCW 36.68.010 are each amended to read as follows:

RCW 36.68.010 amended.

Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and condemnation. A county may lease or sell any park property, buildings or facilities surplus to its needs, or no longer suitable for park purposes: *Provided*, That such park property shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34 RCW: *Provided further*, That nothing in this act shall be construed as authorizing any county to sell any property which such county acquired by condemnation for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: *Provided further*, That funds acquired from the lease or sale of any park property, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes.

County parks and playgrounds. Acquisition, leasing or selling of lands—Limitations.

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

Emergency.

Passed the House March 3, 1961.

Passed the Senate March 2, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 93.

[H. B. 286.]

STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; amending section 11, chapter 250, Laws of 1947, as last amended by section 2, chapter 162, Laws of 1957, and RCW 43.43.220; amending section 16, chapter 250, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1951, and RCW 43.43.270; amending section 17, chapter 250, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1951 and RCW 43.43.280; amending section 9, chapter 250, Laws of 1947 as last amended by section 3, chapter 244, Laws of 1955, and RCW 43.43.300; and declaring an emergency.

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

RCW 43.43.220 amended.

SECTION 1. Section 11, chapter 250, Laws of 1947 as last amended by section 2, chapter 162, Laws of 1957, and RCW 43.43.220 are each amended to read as follows:

State patrol retirement fund— Expenses— Contributions by state.

(1) The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the current service contribution, and a fixed percentage of the compensation of members to be known as the prior service contribution.

(3) After the completion of each actuarial valuation, the retirement board shall determine or re-determine the current service contribution rate. Such current service contribution rate shall become effective in the ensuing biennium. Such contribution rate shall be the uniform and constant per-

centage of the prospective compensation of all members in the retirement system at the date of such valuation required, together with the prospective value of future contributions from members, and all funds (other than funds allocated to prior service benefits) currently standing to the credit of the retirement fund, to provide for the payment of all future benefits for such members (other than prior service benefits).

(4) The prior service contribution shall be two and one-quarter percent of the prospective compensation of all members in the retirement system in each calendar year, and shall continue at such rate until the assets of the retirement fund allocated to prior service benefits are equal to the then outstanding liability for prior service benefits.

(5) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium.

SEC. 2. Section 16, chapter 250, Laws of 1947 as last amended by section 6, chapter 140, Laws of 1951, and RCW 43.43.270 are each amended to read as follows:

RCW 43.43.270
amended.

(1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

Alternative
forms of
annuities.

(2) If a member should die, either while in service or after retirement, his lawful spouse shall be paid an annuity which shall be equal to twenty-five percent of the average final salary of the member. If the member should die after retirement the average final salary will be the average final salary used in computing his retirement allowance at the time of his retirement. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to

his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) If the member is survived by one child under the age of eighteen years the child shall be paid an annuity of seventy-five dollars per month until such time as the child shall attain the age of eighteen years or shall marry or die.

(b) If the member is survived by two or more children under the age of eighteen years the children shall be paid an annuity which shall total one hundred and fifty dollars per month until such time as the children shall attain the age of eighteen years or shall marry or die. When the number of children under the age of eighteen years and unmarried has been reduced to one, the annuity shall be reduced to seventy-five dollars per month.

RCW 43.43.280 amended.

SEC. 3. Section 17, chapter 250, Laws of 1947 as last amended by section 7, chapter 140, Laws of 1951, and RCW 43.43.280 are each amended to read as follows:

Repayment of contributions on death or termination of employment.

(1) If a member dies before retirement, and has no surviving spouse or children under the age of 18 years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he may request upon a form provided by the retirement board a refund of all

or part of his contributions to the retirement fund, with interest at two and one-half percent compounded annually, and this amount shall be paid to him.

SEC. 4. Section 9, chapter 250, Laws of 1947 as last amended by section 3, chapter 244, Laws of 1955, and RCW 43.43.300 are each amended to read as follows:

RCW 43.43.300 amended.

Beginning on July 1, 1961, every Washington state patrol employee who is a member of the retirement fund shall contribute six percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

Contributions by members—
State contributions remain in fund.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

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

Emergency.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 8, 1961.

CHAPTER 94.

[H. B. 468.]

GAME AND GAME FISH—LICENSES.

AN ACT relating to game and game fish; amending section 14, chapter 176, Laws of 1957 and RCW 77.32.005; and amending section 77.32.230, chapter 36, Laws of 1955 as amended by section 2, chapter 245, Laws of 1959 and RCW 77.32.230.

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

RCW 77.32.005 amended.

SECTION 1. Section 14, chapter 176, Laws of 1957 and RCW 77.32.005 are each amended to read as follows:

Game and game fish licenses. Definitions.

For the purposes of this chapter:

A "resident" means any citizen of the United States or person who has in good faith declared his intention of becoming a citizen of the United States, and who for at least ninety days immediately preceding any application for a license has maintained a permanent place of abode within this state and has established by formal evidence his intent to continue his residence within this state.

An "alien" means any person who is not a citizen of the United States and has not in good faith declared his intention of becoming a citizen of the United States.

A "nonresident" means any person who is neither a "resident" nor an "alien" as defined in this section.

RCW 77.32.230 amended.

SEC. 2. Section 77.32.230, chapter 36, Laws of 1955 as amended by section 2, chapter 245, Laws of 1959 and RCW 77.32.230 are each amended to read as follows:

Free licenses—Certain veterans—Blind persons.

Any bona fide resident of this state who is blind or who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-

connected disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor.

A special license authorizing fishing only shall be given to the blind.

Passed the House February 27, 1961.

Passed the Senate February 25, 1961.

NOTE: Statement of Governor Albert D. Rosellini as to why he permitted House Bill No. 468 to become law without his approval reads as follows: Governor's note.

"This bill *inter alia* provides that honorably discharged veterans having a 'service connected' disability, who have been residents of this state for five years, shall be given free hunting and fishing licenses. No one has at all times been more mindful than I of our obligations to the veterans of past wars, and I firmly believe that this bill gives to all veterans over 65 years of age who have a service connected disability a privilege to which they are entitled by virtue of their service to this state and to their country.

"I am sure that the members of this Legislature are aware of the fact that the Game Department derives all of its funds through the issuance of licenses. We have, in this state, developed some of the best hunting and fishing grounds in the nation, and it is essential that this program receive in the future, adequate finances. If we were to allow all veterans free hunting and fishing licenses, irrespective of service connected disability, we would seriously impair the financial resources available to the Department of Game.

"I believe it would have been better if the words 'service connected' had been spelled out more clearly so that we would have a clearer test as to who is or is not entitled to such a license.

"If the operation of this Act should turn out to be unduly restrictive, it is my recommendation that during the next regular session of the legislature, this bill be amended so as to safeguard the best interests of all deserving veterans.

"For the reasons indicated, I have permitted this bill to become law without my signature."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 95.

[S. B. 193.]

HISTORICAL SITES AND MARKERS.

AN ACT relating to sites of archaeological and historical significance; amending section 2, chapter 95, Laws of 1949 and RCW 27.52.020; and adding four new sections to chapter 95, Laws of 1949 and to chapter 27.52 RCW.

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

SECTION 1. Section 2, chapter 95, Laws of 1949 and RCW 27.52.020 are each amended to read as follows:

RCW 27.52.020 amended.

Historic sites and markers commission. Duties.

The duties of the commission are:

- (1) To designate sites of archaeological or historical significance along the highways of the state;
- (2) To erect on each site a marker describing the site and its significance; and
- (3) To place a warning sign approximately one thousand feet in advance of each site marker.

No person shall erect a site marker or advance warning sign along any highway without the approval of the commission.

New section.

SEC. 2. There is added to chapter 95, Laws of 1949 and to chapter 27.52 RCW a new section to read as follows:

Standards for markers —Procurement from governmental agencies.

All markers erected by the commission and with the approval of the commission shall be uniform in composition, size and color; in natural wood with routed letters; and supported by uniform bases or monuments as prescribed by the commission: *Provided*, That the commission may in its discretion designate any supplemental signs necessary. The commission may obtain such markers from any institution under the supervision of the department of institutions or any youth forest camp under the supervision of the department of natural resources.

The description of the particular site and its significance shall be inscribed on the marker in terms of human interest and simplicity.

New section.

SEC. 3. There is added to chapter 95, Laws of 1949 and to chapter 27.52 RCW a new section to read as follows:

Advance warning signs, standards.

The advance warning signs of the sites shall be uniform in composition, size and color.

New section.

SEC. 4. There is added to chapter 95, Laws of 1949 and to chapter 27.52 RCW a new section to read as follows:

Standards prescribed by rules and regulations.

The commission shall prescribe by rules and regulations, in a manner consistent with the provisions of this chapter, the materials to be used in

the construction of, and the size, color and overall design of, the advance warning signs, markers, and marker bases or monuments.

The commission may adopt any other rules and regulations necessary for carrying out the provisions of this chapter.

SEC. 5. There is added to chapter 95, Laws of 1949 and to chapter 27.52 RCW a new section to read as follows: New section.

It shall be the duty of the director of highways (1) to provide near each archaeological or historical site marker, parking facilities for at least two automobiles; (2) to keep in repair all advance warning signs and markers; and (3) to keep such signs and markers free from vegetation which may obscure them from view. Director of highway's duties respecting signs and markers.

Passed the Senate February 23, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 10, 1961.

CHAPTER 96.

[Sub. H. B. 198.]

HIGHWAYS—OUTDOOR ADVERTISING.

AN ACT relating to regulation of outdoor advertising upon lands adjacent to certain state highways; providing for the establishment of scenic areas; authorizing adoption of regulations and execution of agreements with federal government relating thereto; providing for the issuance of permits and collection of fees therefor; defining a public nuisance and authorizing abatement thereof; defining crimes and providing penalties for violation thereof; authorizing a study and report to the legislature and declaring an emergency.

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

SECTION 1. The control of signs in areas adjacent to state highways of this state is hereby declared Highway advertising control act of 1961.

Legislative
declaration.

to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

Definitions.

SEC. 2. When used in this act the term:

(1) "Commission" means the Washington state highway commission;

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;

(4) "Maintain" means to allow to exist;

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;

(6) "Protected area" means all land adjoining or adjacent to the interstate system and within six hundred sixty feet of the edge of the right of way.

(7) "Scenic area" means all land adjoining or adjacent to any state highway and within six hundred sixty feet of the edge of the right of way within any public park, federal forest area, public beach, or public recreation area, national monument and any state highway or portion thereof outside the boundaries presently existing on the effective date of this act of any incorporated city or town designated by the legislature as a scenic area.

(8) "Sign" means any outdoor sign, display,

device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "State highway" means any primary or secondary state highway.

SEC. 3. Except as permitted under this act, no person shall erect or maintain a sign within a protected area or scenic area. In case of an area which is both a protected area and a scenic area, only those signs permitted in a scenic area shall be erected or maintained.

Permissible signs.

SEC. 4. It is declared to be the policy of the state that only the following four types of signs shall be erected or maintained in a protected area:

Types of signs for protected areas.

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs, not inconsistent with the policy of this act and the national policy set forth in section 131 of title 23, United States Code and the national standards promulgated thereunder by the secretary of commerce, advertising activities being conducted at a location within twelve miles of the point at which such signs are located.

(4) Signs, not inconsistent with the policy of this act and the national policy set forth in section 131 of title 23, United States Code and the regulations promulgated thereunder by the secretary of commerce, designed to give information in the specific interest of the traveling public.

Only signs of type 1 and 2 and those type 3 signs which advertise activities conducted on the property where the signs are located shall be erected or maintained in a scenic area.

Information signs authorized.

SEC. 5. Information signs may be erected and maintained by the state, any county, city, or town.

Regulations for erection of signs.

SEC. 6. The commission shall prescribe regulations for the erection and maintenance of signs permitted by this act within protected areas and scenic areas, and other regulations for the administration of this act consistent with the policy of this act and the national policy set forth in section 131, title 23, United States Code and the regulations promulgated thereunder by the secretary of commerce. Proceedings for review of any action taken by the commission pursuant to this act shall be instituted by filing a petition only in the superior court of Thurston county.

Venue to review action.

Other prohibitions not affected.

SEC. 7. Nothing in this act shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington.

Signs as public nuisance—Procedure to abate.

SEC. 8. (1) Any sign erected or maintained contrary to the provisions of this act or regulations promulgated hereunder shall be a public nuisance and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the act or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the act or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing.

SEC. 9. If any person is convicted of a violation of this act, or any regulation promulgated hereunder, the commission may revoke any permit issued to that person under this act.

Revocation
of permit
upon
violation.

SEC. 10. (1) No sign lawfully erected in a protected area prior to the effective date of this act, but which does not comply with the provisions of this act or any regulations promulgated hereunder, shall be maintained by any person after three years from the effective date of this act.

Existing signs,
limitation on
maintenance.

(2) No sign lawfully erected in a scenic area prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

SEC. 11. The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this act, with the secretary of commerce authorized under section 131(b) of title 23, United States Code, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code.

Intergovern-
mental
agreements
authorized.

Permits
for signs—
Fees—Re-
vocation of
permit,
grounds.

SEC. 12. Notwithstanding any other provisions of this act, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or occupant of the land in question has consented thereto and shall be accompanied by a fee to be deposited with the state treasurer to the credit of the motor vehicle fund in accordance with the following schedule: (1) Fifty cents per sign if advertising area does not exceed fifty square feet; (2) Two dollars per sign if advertising area exceeds fifty square feet. Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this act, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this act within thirty days after written notification thereof.

Identification
number, name,
on sign.

SEC. 13. Every permit issued by the commission shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six

square inches, which shall be furnished by the commission and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign. The failure of a sign to have affixed thereto such a label shall be prima facie evidence that the same is not in compliance with the provisions of this act.

Absence of label as evidence.

SEC. 14. The following portions of state highways are designated as scenic areas: (1) Primary state highway No. 1, or the Pacific highway, beginning at the limits of Larabee state park (north line of section 36, township 37 north, range 2 east), thence in a southerly direction to the Blanchard overcrossing (Bridge No. $\frac{1CD}{104}$).

Scenic areas designated.

(2) Primary state highway No. 2, or the Sunset highway, beginning at the westerly intersection of secondary state highway No. 2D (interchange $\frac{2}{626}$), thence in an easterly direction by way of North Bend, Snoqualmie pass, CleElum, Blewett pass to a junction with primary state highway No. 15 in the vicinity of Peshastin.

(3) Primary state highway No. 15, the Stevens pass highway, beginning at Woods creek bridge (bridge $\frac{15}{216}$) at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with primary state highway No. 2 in the vicinity of Peshastin.

(4) Primary state highway No. 5, the National park highway, beginning at the Scatter creek bridge (bridge $\frac{5}{303}$) approximately six miles east of Enumclaw, and proceeding by way of Chinook pass to the west city limits of the town of Naches. Also

beginning at the junction of secondary state highway No. 5E east of the town of South Prairie, thence in a southerly direction to the northwest entrance to Mount Rainier national park; also beginning at a junction with secondary state highway No. 5H south of Spanaway, thence in a southerly direction by way of Elbe, thence in an easterly direction to the southwest entrance to Mount Rainier national park; also beginning at a junction with primary state highway No. 5 at Cayuse junction in the vicinity west of Chinook pass, thence in a southerly direction to a junction with primary state highway No. 5 at the Ohanapecosh junction in the vicinity west of White pass; and also beginning at a junction with primary state highway No. 5 at Kosmos, thence in an easterly direction across White pass to the Oak Flat junction with primary state highway No. 5 northwest of Yakima.

Committee to study regulation of outdoor advertising upon highways—Report on.

SEC. 15. The joint fact finding committee on highways, streets and bridges is authorized and directed to study the application of the federal standards to the regulation of outdoor advertising upon the interstate highways within the state of Washington and criteria for the establishment of additional scenic areas upon any state highway upon which outdoor advertising shall be regulated, and report to the 1963 legislature thereon.

Severability.

SEC. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Short title.

SEC. 17. This act shall be known and may be cited as the Highway Advertising Control Act of 1961.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health, and safety,

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

Passed the House February 28, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 11, 1961.

CHAPTER 97.

[S. B. 344.]

NOTE: THIS LAW WAS REPEALED BY CHAPTER 27, LAWS OF 1961, EXTRAORDINARY SESSION

CIVIL ACTIONS—EXEMPLARY DAMAGES FOR INTENTIONAL INJURY TO PERSON OR CHARACTER.

AN ACT relating to civil actions and damages.

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

SECTION 1. Any person who commits an intentional injury or tort upon or causes an intentional injury or tort to be committed upon the person or character of another is liable for exemplary damages for the sake of example and by way of punishment as the trier of fact may determine, in addition to any other common law or statutory liabilities.

Note: See also section 6, chapter 27, Laws of 1961 extraordinary session.

SEC. 2. Section 1 does not affect any rights accrued or liabilities incurred prior to the effective date of this act.

Note: See also section 6, chapter 27, Laws of 1961 extraordinary session.

Sec. 3. *It is against the public policy of this state to insure against any liability incurred as a result of this act.* } vetoed.

Passed the Senate February 25, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 11, 1961, with the exception of Section 3, which was vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"The main purpose of Senate Bill No. 344 is to award exemplary damages to persons having been injured to their body or character through an intentional injury on the part of a tortfeasor.

“Section 3 provides that it is against the public policy of this State to insure against any liability incurred as a result of this Act. If permitted to become law, this Section would prevent insurance companies to write insurance covering damages sustained through the commission of intentional torts. It is my firm conviction and belief that the Legislature should not interfere with the freedom of contract existing between citizens of this State and insurance companies. Such a restraint, as is provided in Section 3, is contrary to the best interests of the people of this State.

“For the reasons indicated, Section 3 is vetoed and the remainder of the bill is approved.”

ALBERT D. ROSELLINI,
Governor.

CHAPTER 98.

[S. B. 185.]

SCHOOL DISTRICTS—MULTIPLE PROPOSITIONS
ON BALLOT.

AN ACT relating to organization of school districts; and adding a new section to chapter 266, Laws of 1949 and to chapter 28.57 RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 266, Laws of 1947 and to chapter 28.57 RCW a new section to read as follows:

Organization,
reorganization
of school
districts.
Provisions
for special
elections in
certain
districts.

In any special election provided for in this chapter involving both the question of the formation of a new district and the question of adjustment of bonded indebtedness there may be submitted to the voters of the proposed district, at the same election, a proposition whether bonds are to be issued by the new district and the provisions of chapter 28.51 RCW shall apply to the election on the question of issuance of bonds by the new district: *Provided*, That if either the formations or the adjustments proposition shall be disapproved all other propositions submitted at the same election shall also be deemed to have failed. The provisions of this section shall apply only to school districts situated in whole or in part in counties of the fourth class or lower

classification and contiguous to the international boundary.

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

Passed the Senate March 3, 1961.

Passed the House March 2, 1961.

Approved by the Governor March 13, 1961.

CHAPTER 99.

[H. B. 12.]

MINORS—LIABILITY OF PARENT FOR TORT.

AN ACT relating to minors and parents thereof.

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

SECTION 1. The parent or parents of any minor child under the age of eighteen years who is living with the parent or parents and who shall wilfully or maliciously destroy property, real or personal or mixed, shall be liable to the owner of such property in a civil action at law for damages in an amount not to exceed three hundred dollars. This section shall in no way limit the amount of recovery against the parent or parents for their own common law negligence. Liability of parent for tort of minor.

Recovery nonexclusive.

Passed the House March 4, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 100.

[H. B. 22.]

LAW AGAINST DISCRIMINATION.

AN ACT relating to the law against discrimination; amending section 9, chapter 37, Laws of 1957 and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 and RCW 49.60.200; amending section 10, chapter 183, Laws of 1949, as amended by section 26, chapter 37, Laws of 1957, and RCW 49.60.310; and adding a new section to chapter 49.44 RCW.

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

RCW 49.60.180 amended.

SECTION 1. Section 9, chapter 37, Laws of 1957 and RCW 49.60.180 are each amended to read as follows:

Unfair practices of employer defined.

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(2) To discharge or bar any person from employment because of such person's age, race, creed, color, or national origin.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, race, creed, color, or national origin.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: *Provided*, Nothing contained herein shall prohibit advertising in a foreign language.

SEC. 2. Section 10, chapter 37, Laws of 1957 and RCW 49.60.190 are each amended to read as follows:

RCW 49.60.190 amended.

It is an unfair practice for any labor union or labor organization:

Unfair practices of labor unions defined.

(1) To deny membership and full membership rights and privileges to any person because of such person's age, race, creed, color, or national origin.

(2) To expel from membership any person because of such person's age, race, creed, color, or national origin.

(3) To discriminate against any member, employer, or employee because of such person's age, race, creed, color, or national origin.

SEC. 3. Section 11, chapter 37, Laws of 1957 and RCW 49.60.200 are each amended to read as follows:

RCW 49.60.200 amended.

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, any individual because of his age, race, creed, color, or national origin, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: *Provided*, Nothing contained herein shall prohibit advertising in a foreign language.

Unfair practices of employment agencies.

SEC. 4. Section 10, chapter 183, Laws of 1949, as amended by section 26, chapter 37, Laws of 1957, and RCW 49.60.310 are each amended to read as follows:

RCW 49.60.310 enacted without amendment.

Any person that wilfully resists, prevents, impedes, or interferes with the board or any of its members or representatives in the performance of

duty under this chapter, or that wilfully violates an order of the board, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

New section.

SEC. 5. There is added to chapter 49.44 RCW a new section to read as follows:

Unfair practice to discriminate because of age.

It shall be an unfair practice:

(1) For an employer or licensing agency, because an individual is between the ages of forty and sixty-five, to refuse to hire or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment: *Provided*, That employers or licensing agencies may establish reasonable minimum and/or maximum age limits with respect to candidates for positions of employment, which positions are of such a nature as to require extraordinary physical effort, endurance, condition or training, subject to the approval of the director of labor and industries through the division of industrial relations.

(2) For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination respecting individuals between the ages of forty and sixty-five: *Provided*, That nothing herein shall forbid a requirement of disclosure of birth date upon any form of application for employment or by the production of a birth certificate or other sufficient evidence of the applicant's true age.

Nothing contained in this section or in RCW 49.60.180 as to age shall be construed to prevent the termination of the employment of any person who

is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of this section; nor shall anything in this section or in RCW 49.60.180 be deemed to preclude the varying of insurance coverages according to an employee's age; nor shall this section be construed as applying to any state, county, or city law enforcement agencies, or as superseding any law fixing or authorizing the establishment of reasonable minimum or maximum age limits with respect to candidates for certain positions in public employment which are of such a nature as to require extraordinary physical effort, or which for other reasons warrant consideration of age factors.

SEC. 6. The amendments made by this act shall not be construed as modifying chapter 231, Laws of 1941 as amended, or as applying to any standards established thereunder or employment pursuant to any bona fide agreements entered into thereunder.

Apprenticeship
law not
affected.

Passed the House March 4, 1961.

Passed the Senate March 2, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 101.

[Sub. H. B. 31.]

TUBERCULOSIS CONTROL FUNDS.

AN ACT relating to tuberculosis control funds and authorizing boards of county commissioners to transfer surplus funds to public hospital districts; and amending section 3, chapter 117, Laws of 1959 and RCW 70.32.090.

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

SECTION 1. Section 3, chapter 117, Laws of 1959 and RCW 70.32.090 are each amended to read as follows:

RCW 70.32.090
amended.

Surplus funds for general county purposes or public hospital districts.

In any county where the state director of health has certified that the proceeds of the six-tenths mill tax levy is more than adequate to provide for tuberculosis control, including hospitalization, case finding, prevention, and follow-up of known cases of tuberculosis in the county, the board of county commissioners, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the six-tenths mill tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the board in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

Passed the House February 1, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 102.

[H. B. 36.]

EXISTING AND ADDITIONAL BRIDGES—REVENUE BONDS.

AN ACT relating to the toll bridges and existing adjacent bridges; amending section 47.58.040, chapter 13, Laws of 1961 (House Bill No. 3) and RCW 47.58.040.

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

RCW 47.58.040 amended.

SECTION 1. Section 47.58.040, chapter 13, Laws of 1961 (House Bill No. 3) and RCW 47.58.040 are each amended to read as follows:

Revenue bonds—Sale—Interim

For the purpose of paying the cost of all or any part of such improvement and reconstruction work

and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding five percent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: *Provided*, That the counter-

bonds—
Deposit of
proceeds.

signature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices that the net interest cost to the authority shall not be greater than six percent per annum, computed to maturity according to standard tables of bond values and after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

Passed the House March 4, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 103.

[H. B. 15.]

DISPOSITION OF HUMAN REMAINS—DISCRIMINATION.

AN ACT relating to discrimination in the disposition of human remains; amending section 3, chapter 183, Laws of 1949 as amended by section 4, chapter 37, Laws of 1957, and RCW 49.60.040; amending section 3, chapter 33, Laws of 1899 and RCW 68.20.110; and amending section 84.36.020, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 84.36.020.

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

SECTION 1. Section 3, chapter 183, Laws of 1949 as amended by section 4, chapter 37, Laws of 1957, and RCW 49.60.040 are each amended to read as follows:

RCW 49.60.040 amended.

As used in this chapter:

“Person” includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

Law against discrimination. Definitions.

“Employer” includes any person acting in the interest of an employer, directly, or indirectly, who has eight or more persons in his employ, and does not include any religious or sectarian organization, not organized for private profit;

“Employee” does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;

“Labor organization” includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or

terms or conditions of employment, or for other mutual aid or protection in connection with employment;

“Employment agency” includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

“National origin” includes “ancestry”;

“Full enjoyment of” includes the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited;

“Any place of public resort, accommodation, assemblage or amusement” includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recrea-

tion or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: *Provided*, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything herein contained apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Publicly-assisted housing" includes any building, structure or portion thereof which is used or occupied or is intended to be used or occupied as the home, residence or sleeping place of one or more persons, and the acquisition, construction, rehabilitation, repair or maintenance of which is financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions, or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly-assisted only during the life of such loan and such guarantee or insurance, or if a commitment, issued by a government agency, is outstanding that the acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions, or any agency thereof;

“Owner” includes the owner, lessee, sublessee, assignee, agent, creditor, lender or other person having the right to ownership or possession of housing, or to have housing pledged as security for a debt.

RCW 68.20.110
amended.

SEC. 2. Section 3, chapter 33, Laws of 1899 and RCW 68.20.110 are each amended to read as follows:

Nonprofit
cemetery
association—
Tax exempt
land—Irreduc-
ible fund—
Bonds.

Such association shall be authorized to purchase or take by gift or devise, and hold land exempt from execution and from any appropriation to public purposes, for the sole purpose of a cemetery not exceeding eighty acres, which shall be exempt from taxation if intended to be used exclusively for burial purposes without discrimination as to race, color, national origin or ancestry, and in nowise with a view to profit of the members of such association: *Provided*, That when the land already held by the association is all practically used then the amount thereof may be increased by adding thereto not exceeding twenty acres at a time. Such association may by its bylaws provide that a stated percentage of the moneys realized from the sale of lots, donations or other sources of revenue, shall constitute an irreducible fund, which fund may be invested in such manner or loaned upon such securities as the association or the trustees thereof may deem proper. The interest or income arising from the irreducible fund, provided for in any bylaws, or so much thereof as may be necessary, shall be devoted exclusively to the preservation and embellishment of the lots sold to the members of such association, and where any bylaws has been enacted for the creation of an irreducible fund as herein provided for it cannot thereafter be amended in any manner whatever except for the purpose of increasing such fund. After paying for the land all the future receipts and income of such association subject to the provisions herein for the creation of an irreducible fund, whether from the sale of lots, from donations, rents

or otherwise, shall be applied exclusively to laying out, preserving, protecting and embellishing the cemetery and the avenues leading thereto, and in the erection of such buildings as may be necessary or convenient for the cemetery purposes, and to paying the necessary expenses of the association. No debts shall be contracted in anticipation of any future receipts except for originally purchasing, laying out and embellishing the grounds and avenues, for which debts so contracted such association may issue bonds or notes and secure the same by way of mortgage upon any of its lands, excepting such lots as shall have been conveyed to the members thereof; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial lots.

SEC. 3. Section 84.36.020, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 84.36.020 are each amended to read as follows:

RCW 84.36.020 amended.

The following property shall be exempt from taxation:

Property tax exemptions.

All lands used exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

Cemeteries, churches and grounds.

All churches, built and supported by donations, whose seats are free to all; and the ground, not exceeding five acres in area, upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage. The area exempted shall in any case include all ground covered by the church and parsonage and the structures and ground necessary for street access, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with both church and parsonage, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet. The parsonage need not be on land contiguous to the church property if the total area ex-

empted does not exceed the areas above specified. To be exempt the grounds must be used wholly for church purposes.

Nonliability for breach of preexisting contract.

SEC. 4. Nothing herein shall be construed to render any person or corporation liable for breach of preexisting contracts by reason of compliance by such person or corporation with this act.

Passed the House February 10, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 104.

[H. B. 24.]

SALE OF PERSONAL PROPERTY BY SHERIFF.

AN ACT relating to public sale of personal property in possession of county sheriffs.

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

Sale of personal property in possession of sheriff. Authorized, when.

SECTION 1. Whenever any personal property, other than vehicles governed by 46.52 RCW, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of six months from date of written notice to the owner thereof, if known, and in all other cases for a period of six months from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after six months from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided.

SEC. 2. Before said personal property shall be sold, if the name and address of the owner thereof be known, at least ten days' notice of such sale shall be given him either personally or by leaving a written notice at his residence or place of doing business with some person of suitable age and discretion then resident or employed therein; or if the name or residence of the owner be not known, a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The notice shall be signed by the sheriff or his deputy. If the owner fails to reclaim said property prior to the time fixed for the sale in such notice, the sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder.

Notice of sale
—Publication
of—Sale.

SEC. 3. The moneys arising from sales under the provisions of this act shall be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keeping of said personal property and the balance, if any, shall be paid into the county current expense fund.

Disposition
of proceeds.

SEC. 4. If the owner of said personal property so sold, or his legal representative, shall, at any time within three years after such money shall have been deposited in the county current expense fund, furnish satisfactory evidence to the county treasurer of said county of the ownership of said personal property he or they shall be entitled to receive from said county current expense fund the amount so deposited therein.

Recovery of
money, when
and how.

Uniform disposition of unclaimed property act inapplicable.

SEC. 5. The provisions of chapter 63.28 RCW shall not apply to personal property in the possession of the office of county sheriff.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 105.

[H. B. 75.]

IRRIGATION DISTRICT ELECTIONS.

AN ACT relating to irrigation district elections; providing ballots; prescribing a method of nominating candidates for director positions in certain situations; making it unnecessary for elections of directors to be held under some circumstances; providing for absentee voting and for the procedure to be followed in connection therewith; amending section 2, chapter 171, Laws of 1941 and RCW 87.01.110; and adding 4 new sections to chapter 87.01 RCW.

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

RCW 87.01.110 amended.

SECTION 1. Section 2, chapter 171, Laws of 1941 and RCW 87.01.110 are each amended to read as follows:

Ballots—Declaration of candidacy—Petition of nomination—When election unnecessary.

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination as hereinafter provided, not less than fifteen days before the day of the election. Ballots shall contain space for sticker voting or for the writing in of the name of an undeclared candidate. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he

is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the terms to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not less than fifteen days before the day of election. If, after the expiration of the date for filing petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled and such candidate has been nominated at least five days prior to the last date for filing petitions of nomination, it shall not be necessary to hold an election, and the board of directors shall within fifteen days after expiration of the date for filing petitions of nomination declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

SEC. 2. There is added to chapter 87.01 RCW a New section. new section to read as follows:

Any qualified district elector who certifies as provided in sections 3 through 5 of this amendatory act that he cannot conveniently be present to cast his ballot at his proper election precinct on the day of any irrigation district election shall be entitled to vote by absentee ballot in such election in the manner herein provided. Absentee balloting authorized.

SEC. 3. There is added to chapter 87.01 RCW a New section. new section to read as follows:

The notice of election shall conform to the re-

Notice of election. Request for absentee ballot.

quirements for election notices provided by Title 87 RCW for the election being held, and shall specify in addition that any qualified district elector who certifies that he cannot conveniently be present at his proper election precinct on the day of election may vote by absentee ballot, and that a ballot and form of certificate of qualifications will be furnished to him on written request being made of the district's secretary. The requisite ballot and a form of certificate of qualifications shall be furnished by the district's secretary to any person who prior to the date of election makes written request therefor, stating that he is a qualified district elector. Such ballot and form may be furnished also to qualified district electors in any way deemed to be convenient without regard to requests having been made therefor.

New section.

SEC. 4. There is added to chapter 87.01 RCW a new section to read as follows:

Requisites for valid absentee ballot.

(1) To be counted in a given election, an absentee ballot must conform to these requirements:

(a) It must be sealed in an unmarked envelope and delivered to the district's principal office prior to the close of the polls on the day of that election; or be sealed in an unmarked envelope and mailed to the district's secretary, postmarked not later than midnight of that election day and received by the secretary within five days of that date.

(b) The sealed envelope containing the ballot shall be accompanied by a certificate of qualifications stating, with respect to the voter, his name, age, citizenship, residence, that he holds title or evidence of title to lands within the district which, under RCW 87.01.090, entitles him to vote in the election, and that he cannot conveniently be present to cast his ballot at his proper election precinct on election day.

(c) The statements in the certificate of qualifica-

tions shall be certified as correct by the voter by the affixing of his signature thereto in the presence of a witness who is acquainted with the voter, and the voter shall enclose and seal his ballot in the unmarked envelope in the presence of this witness but without disclosing his vote. The witness, by affixing his signature to the certificate of qualifications, shall certify that he is acquainted with the voter, that in his presence the voter's signature was affixed and the ballot enclosed as required in this paragraph.

(2) The form of statement of qualifications and its certification shall be substantially as prescribed by the district's board of directors. This form may also provide that the voter shall describe all or some part of his lands within the district which, under RCW 87.01.090, entitles him to vote in the election, but a voter otherwise qualified shall not be disqualified because of the absence or inaccuracy of the description so given. The regular form of irrigation district ballot shall be used by absentee voters.

Form of statement of qualifications, certification.

SEC. 5. There is added to chapter 87.01 RCW a new section to read as follows:

New section.

(1) Absentee ballots shall be accumulated and kept, unopened, by the district's secretary until the time in which such ballots may be received is closed. The secretary shall deliver them to the board of directors as early as practicable on the following day. That board shall proceed at once to determine whether the voters submitting absentee ballots are qualified so to vote and to count and tally the votes of those so determined to be qualified. The board shall make, record, and certify the result of its determinations and count; and promptly thereafter it shall deliver the ballots, certificates of qualifications, and its certificate to the district's secretary. The provisions of RCW 87.01.170 with respect to recount shall govern also in the case of absentee ballots.

Disposition, canvass, of absentee ballots.

(2) On the completion of the canvass of the regular returns of the several election precincts as provided in RCW 87.01.180, the board of directors shall canvass the returns of the absentee votes and declare the result thereof in substantially the same manner as provided for the returns of the votes cast in the regular manner. Thereupon the statement of the result conforming as nearly as practicable to the requirements of RCW 87.01.190 shall be made covering both regular and absentee votes.

Passed the House February 13, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 106.

[H. B. 78.]

PRISON TERMS AND PAROLES.

AN ACT relating to prison terms and paroles; and amending sections 9 and 13, chapter 133, Laws of 1955 and RCW 9.95.080 and 9.95.120.

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

RCW 9.95.080 amended.

SECTION 1. Section 9, chapter 133, Laws of 1955 and RCW 9.95.080 are each amended to read as follows:

Revocation and redetermination of minimum—Grounds.

In case any convicted person undergoing sentence in the penitentiary, reformatory, or such other state penal institution as may hereafter be established, commits any infractions of the rules and regulations of the institution, or based upon a thorough analysis and report of the director of institutions indicating unsatisfactory prospects for rehabilitation of such convicted person, the board of prison terms and paroles may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture

of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.110, and make a new order determining the length of time he shall serve, not exceeding the maximum penalty provided by law for the crime for which he was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the board of prison terms and paroles. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory, as an escapee and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

SEC. 2. Section 13, chapter 133, Laws of 1955 and RCW 9.95.120 are each amended to read as follows:

RCW 9.95.120
amended.

Whenever the board of prison terms and paroles or a probation and parole officer of this state has reason to believe a convicted person has breached a condition of his parole or violated the law of any state where he may then be or the rules and regulations of the board of prison terms and paroles, any probation and parole officer of this state may cause the arrest and detention of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board of prison terms and paroles by the probation and parole officer.

Conditions of
parole—Re-
vision or
revocation—
Right to
hearing—
Reinstatement
of parole.

On the basis of the report by the probation and parole officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of

prison terms and paroles for his return to the institution from which he was paroled. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he may then be, he shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he was returned to the institution from which he was paroled before at least two members of the parole board. Upon such hearing such paroled prisoner shall be allowed to be heard and may defend himself, and may be represented by an attorney and he shall have the right to present evidence and witnesses in his behalf. After such hearing the board of prison terms and paroles shall make an order either (1) revoking the parole of such convicted person, or (2) reinstating the parole previously granted. In the event the parole is revoked, the board of prison terms and paroles shall make an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which he was originally convicted, or the maximum fixed by the court.

In the event that the board of prison terms and paroles suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board of prison terms and paroles shall have the power to nullify the order of suspension and reinstate the individual to parole under previ-

ous conditions or any new conditions that the board of prison terms and paroles may determine advisable. Before the board of prison terms and paroles shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a penal institution.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 107.

[H. B. 97.]

INDUSTRIAL INSURANCE—COURSE OF EMPLOYMENT.

AN ACT relating to industrial insurance and medical aid; and adding a new section to chapter 51.32 RCW and to chapter 51.36 RCW; and amending chapter 23, Laws of 1961 and chapter 51.08 RCW.

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

SECTION 1. There is added to chapter 51.32 RCW a new section to read as follows: New section.

The benefits of Title 51 RCW shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business or work process in which the employer is then engaged: *Provided*, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman shall receive Industrial insurance. Lunch on jobsite as course of employment.

the benefits as provided herein: *And provided further*, That the employer need not consider the lunch period in workman hours for the purpose of reporting to the department unless the workman is actually paid for such period of time.

New section.

SEC. 2. There is added to chapter 51.36 RCW a new section to read as follows:

Medical aid. Lunch on jobsite as course of employment.

The benefits of Title 51 RCW shall be provided to each workman receiving an injury, as defined therein, during the course of his employment and also during his lunch period as established by the employer while on the jobsite. The jobsite shall consist of the premises as are occupied, used or contracted for by the employer for the business of work process in which the employer is then engaged: *Provided*, That if a workman by reason of his employment leaves such jobsite under the direction, control or request of the employer and if such workman is injured during his lunch period while so away from the jobsite, the workman shall receive the benefits as provided herein: *And provided further*, That the employer need not consider the lunch period in workman hours for the purpose of reporting to the department unless the workman is actually paid for such period of time.

New section.

SEC. 3. Chapter 23, Laws of 1961 and chapter 51.08 RCW are each amended to read as follows:

"Acting in the course of employment."

"Acting in the course of employment" means the workman acting at his employer's direction or in the furtherance of his employer's business which shall include time spent going to and from work on the jobsite, as defined in sections 1 and 2 of this act, insofar as such time is immediate to the actual time that the workman is engaged in the work process in areas controlled by his employer, except parking areas, and it is not necessary that at the time an injury is sustained by a workman he be doing the work on which his compensation is based or that

the event be within the time limits on which industrial insurance or medical aid premiums or assessments are paid.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 108.

[H. B. 111.]

INDUSTRIAL INSURANCE—PENSION INCREASE.

AN ACT relating to industrial insurance; providing payments to pensioners of certain amounts in addition to pensions now payable thereunder; amending section 51.32.070, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.32.070; repealing section 51.32.071, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.32.071; and declaring an effective date.

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

SECTION 1. Section 51.32.070, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.32.070 are each amended to read as follows:

RCW 51.32.070
amended.

Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after July 1, 1961, be paid one hundred twenty-five dollars per month, and every permanently totally disabled workman receiving a pension under this title shall, after such date, be paid one hundred twenty-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if unmarried at the time his injury occurred; one hundred fifty-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and seventy-five dollars per month, in addition to any amount now

Industrial
insurance.
Additional
payments
for prior
pensioners.

or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the funds appropriated by the legislature such an amount as will, when added to the pensions they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

The legislature shall make biennial appropriations to carry out the purposes of this section.

Repeal.

SEC. 2. Section 51.32.071, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.32.071 are each repealed.

SEC. 3. The provisions of this amendatory act of 1961 shall take effect on July 1, 1961.

Passed the House February 28, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 109.

[H. B. 425.]

CITIES AND TOWNS—NOMINATION OF COUNCILMEN.

AN Act relating to elections in cities and towns; and adding a new section to chapter 29.21 RCW.

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

SECTION 1. There is added to chapter 29.21 RCW a new section to read as follows: New section.

Not less than ten days before the time for filing declarations of candidacy for councilmen in cities or towns operating under the mayor-council or council-manager form of government, except the position of councilman-at-large assigned a two year term in cities of the third class, the city clerk shall designate the positions to be filled by consecutive number, commencing with one. The positions so designated shall be dealt with as separate offices for all election purposes.

Councilmen positions designated numerically—Separate elective offices.

The provisions of this section shall be the exclusive method of nominating and electing councilmen for all cities and towns the charter provisions of any city notwithstanding.

Passed the House February 26, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 110.

[H. B. 333.]

EDUCATIONAL, BENEVOLENT, CHARITABLE SOCIETIES.

AN Act relating to educational, religious, benevolent, and charitable societies; and adding new sections to chapter 24.08 RCW.

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

New sections.

SECTION 1. There is added to chapter 24.08 RCW six new sections to read as provided in sections 2 through 7 of this act.

Educational, religious, charitable societies. Merger, consolidation authorized.

SEC. 2. (1) Any two or more domestic or foreign corporations, formed for any purpose for which a corporation might be formed under RCW 24.08.010 may be

(a) merged into one such domestic corporation, or

(b) consolidated into a new corporation to be formed under this chapter: *Provided*, Such foreign corporations are authorized by the law or laws of the government under which they were formed to effect such merger or consolidation.

(2) Any such domestic or foreign corporations may be

(a) merged into one such foreign corporation, or

(b) consolidated into a new corporation to be formed under the law or laws of the government under which one of such foreign corporations was formed: *Provided*, The laws of such foreign government authorize such merger or consolidation.

Joint agreement—Contents—Filed.

SEC. 3. The merger or consolidation of corporations can be effected only as a result of a joint agreement entered into and filed as follows:

(1) The agreement shall be signed by the president and secretary of each of said corporations; such officers shall certify that they are duly authorized to sign the agreement.

(2) The agreement so signed and certified shall be delivered to the secretary of state, who, if the same conforms to law, shall file and record the same in his office, and a copy thereof, certified by the secretary of state, shall be filed for record in the office of the auditor of the counties in this state in which any of the corporate parties to the agreement have their registered offices and of any counties

in which any of the corporate parties have land, title to which will be transferred as a result of the merger or consolidation.

SEC. 4. (1) If the joint agreement is for a consolidation into a new corporation to be formed under this chapter, articles of incorporation for such new corporation shall be prepared and delivered to the secretary of state.

Articles of incorporation, when—Contents—Filed.

(2) Such articles shall be prepared in the manner and form prescribed in RCW 24.08.010, except that

(a) the corporations consolidating shall be named as the incorporators of the new corporation;

(b) the articles shall be signed by the president and secretary of each of said corporations, and acknowledged by the officers so signing the articles;

(3) Such articles of incorporation shall be filed and recorded as provided in RCW 24.08.010.

SEC. 5. (1) A merger of one or more corporations into a domestic corporation shall be effective when the joint agreement has been filed in the office of the secretary of state.

Merger or consolidation, when effective.

(2) A consolidation of corporations into a domestic corporation shall be effective when the joint agreement and the articles of incorporation of the new corporation have been filed with the secretary of state.

(3) A merger or consolidation of one or more domestic corporations into a foreign corporation shall be effective according to the provisions of law of the jurisdiction in which such foreign corporation was formed, but not until the joint agreement has been signed and certified, and copies thereof filed in accordance with section 3 of this amendatory act.

SEC. 6. Upon the consummation of the merger or consolidation as provided in section 5 of this amendatory act the effect of such merger or consolidation shall be:

Effect of merger or consolidation.

(1) That the several parties to the joint agreement shall be one corporation, which shall be

(a) in the case of merger, that one of the constituent corporations into which it has been agreed the others shall be merged and which shall survive the merger, or

(b) in the case of consolidation, the new corporation into which it has been agreed the others shall be consolidated;

(2) The separate existence of the constituent corporations shall cease, except that of the surviving corporation in the case of merger;

(3) The surviving or new corporation, as the case may be, shall possess all the rights, privileges and franchises possessed by each of the former corporations so merged or consolidated except that such surviving or new corporation shall not thereby acquire authority to engage in any business or exercise any right which a corporation may not be formed under this chapter to engage in or exercise;

(4) All the property, real, personal and mixed, of each of the constituent corporations, and all debts due on whatever account to any of them, including subscriptions for shares and other choses in action belonging to any of them shall be taken and be deemed to be transferred to and invested in such surviving or new corporation, as the case may be, without further act or deed;

(5) The surviving or new corporation shall be responsible for all the liabilities and obligations of each of the corporations merged or consolidated, in the same manner as if such surviving or new corporation had itself incurred such liabilities or obligations; but the liabilities of such constituent corporations or of their shareholders, directors or officers shall not be affected, nor shall the rights of the creditors thereof, or of any persons dealing with such corporations be impaired by such merger

or consolidation, and any claim existing or action or proceeding pending by or against any of such constituent corporations may be prosecuted to judgment as if such merger or consolidation had not taken place, or the surviving or new corporation may be proceeded against or substituted in its place.

(6) The filing fee under 24.08 RCW for articles of incorporation, amendments to articles of incorporation, agreements of merger, and agreements of consolidation shall be five dollars. Filing fee.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 111.

[H. B. 377.]

CITIES AND TOWNS—PEDESTRIAN MALLS.

AN ACT relating to cities and towns; authorizing the establishment of pedestrian malls; and repealing all conflicting acts or parts of acts.

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

SECTION 1. As used in this chapter, the following terms shall have the meaning herein given to each of them: Definitions.

“City” means any city or town.

“City”.
“Chief executive”.

“Chief executive” means the mayor in a mayor-council or commission city and city manager in a council-manager city.

“Corporate authority” means the legislative body of any city. “Corporate authority”.

“Project” means a pedestrian mall project.

“Project”.
“Right of way”.

“Right of way” means that area of land dedicated for public use or secured by the public for purposes of ingress and egress to abutting property and other public purposes.

“Mall”.

“Mall” means an area of land, part of which may be surfaced, landscaped, and used entirely for pedestrian movements, except with respect to governmental functions, utilities, and loading and unloading of goods.

“Mall organization”.

“Mall organization” means a group of property owners, lessors, or lessees in an area that has been organized to consider the establishment, maintenance, and operation of a mall in a given area and persons owning or having any legal or equitable interest in the real property affected by the establishment of the mall.

Malls for public purpose —Incidental rights.

SEC. 2. The establishment of pedestrian malls is declared to be for a public purpose. Any corporate authority, by ordinance, may establish and regulate any street right of way as a mall, may prohibit, in whole or in part, vehicular traffic on a mall, and may provide for the acquisition of any interest in the right of way necessary to its establishment, and may provide for the determination of legal damages, if any, to abutting property.

Limiting utilization of right of way —Limitations.

SEC. 3. When the corporate authority determines that the public interest, safety, and convenience is best served by the establishment of a mall and that vehicular traffic will not be unduly inconvenienced thereby, it may adopt a resolution declaring its intention to do so, and announcing the intended extent of traffic limitation. Any corporate authority is authorized to limit the utilization of any right of way, except for utilities and governmental functions, provided adequate alternative routes for vehicular movement, and the loading and unloading of goods are established or are available. The abutting property owner’s right of ingress and egress shall be considered to have been satisfied whenever the corporate authority has planned and constructed, or there is available, an alternate route, alleyway, and service driveway.

SEC. 4. Before a mall is established, a plan shall be formulated consistent with the city's comprehensive plan, including at least the area of the right of way between two intersecting streets and showing alternate routes outside the mall area upon which any vehicles excluded from using the mall may be accommodated; it may include a provision for on and off street parking. After the plans have been prepared, the corporate authority shall hold a public hearing thereon, giving notice of time and place at least two weeks in advance of the hearing in a newspaper of general circulation in the city and as required by chapter 42.32 RCW.

Mall plan.

Hearings on plan—Notice of.

SEC. 5. The corporate authority is authorized to engage duly qualified real estate appraisers, for the purpose of determining the value, or legal damages, if any, to any person, owning or having any legal or equitable interest in any real property who contends that he would suffer damage if a projected mall were established; in connection therewith the city shall take into account any increment in value that may result from the establishment of the mall. The appraisers shall submit their findings in writing to the chief executive of the city.

Appraisers authorized.

SEC. 6. The corporate authority may finance the establishment of a mall, including, but not limited to, right of way improvements, traffic control devices, and off street parking facilities in the vicinity of the mall, by one or more of the following methods or by a combination of any two or more of them:

Methods of financing.

(1) By creating local improvement districts under the laws applicable thereto in Title 35 RCW.

(2) By issuing revenue bonds pursuant to chapter 35.41 RCW, RCW 35.24.305, chapter 80.40 RCW, RCW 35.81.100, and by such other statutes that may authorize such bonds.

(3) By issuing general obligation bonds pursuant to chapter 39.52 RCW, RCW 35.81.115, and by such

other statutes and applicable provisions of the state constitution that may authorize such bonds.

(4) By use of gifts and donations.

(5) General fund and other available moneys: *Provided*, That if any general fund moneys are expended for a mall, provision may be made for repayment thereof to the general fund from money received from the financing of the mall.

Removal of utility as cost.

The corporate authority may include within the cost of any mall project the expense of moving utilities, or any facility located within a right of way.

Acquisition of property rights authorized.

SEC. 7. The corporate authority may formulate, solicit, finance and acquire, purchase, or negotiate the acquisition of waivers and the execution of quitclaim deeds by persons owning or having any legal or equitable interest in the real property affected by the establishment of a mall, conveying the necessary rights to the city to prohibit through vehicular traffic and otherwise limit vehicular access to, and from, such right of way: *Provided*, That the execution of such waivers and quitclaim deeds shall not operate to extinguish the rights of the abutting owner, lessor, or lessee in the right of way, not included in such waiver or quitclaim deed.

Vacation of right of way authorized.

SEC. 8. The corporate authority, as an alternate to the preceding methods, may find that the right of way no longer is needed as a right of way. When persons owning or having any legal or equitable interest in the real property affected by a proposed mall, present a petition to the corporate authority for vacating the right of way pursuant to chapter 35.79 RCW, or the corporate authority initiates by resolution such a vacation proceeding, a right of way may be vacated and replatted for mall purposes, and closed to vehicular traffic except as provided in section 3 of this act, consistent with the subdivision standards allowed by Title 58 RCW, and chapter 35.63 RCW.

SEC. 9. The corporate authority may cause an organization of persons to be known as a "Mall organization" interested in creating a mall in a given area to be formed to provide for consultative assistance to the city with respect to the establishment and administration of a mall. This organization may elect a board of directors of not less than three nor more than twelve members. The board shall elect a president, a vice president, and a secretary from its membership.

Mall organization.
Purpose.

Directors.

Officials.

SEC. 10. After the establishment of the mall, the corporate authority may levy a special assessment on the real property within the area specially benefited by the improvement. Such special levy, if any, shall be for operation and maintenance of the mall and appurtenances thereto, which may not exceed one percent of the aggregate actual valuation of the real property (including twenty-five percent of the actual valuation of the improvements thereon) according to the valuation last placed upon it for purposes of general taxation: *Provided*, That if a mall organization board of directors exists as authorized by section 9 of this act, the corporate authority may entertain a recommendation from this organization with respect to such a levy by the corporate authority.

Special assessments authorized—
Limitation.

SEC. 11. Following the public hearing on the ordinance to establish a mall any person owning or having any legal or equitable interest in property which might be affected by reason of the establishment of the proposed mall or the board of directors of a mall organization shall, within 20 days of such hearing, file with the city clerk a statement describing the real property as to which the claim is made, the nature of the claimant's interest therein, the nature of the alleged damage thereto and the amount of damages claimed. After the receipt thereof, the

Claims of damage filed.

corporate authority may negotiate with the affected parties concerning them or deny them.

Administration
of mall by mall
organization—
Limitation.

SEC. 12. If the corporate authority desires to have the mall administered by a mall organization rather than by one of its departments, the corporate authority may execute a contract with such an organization for the administration of the mall upon mutually satisfactory terms and conditions: *Provided*, That if any provision of a city charter conflicts with this section, such provision of the city charter shall prevail.

Election on
continuing
mall—Pro-
cedure upon
vote for
discon-
tinuance.

SEC. 13. The board of directors of a mall organization may call for an election, after the mall has been in operation for two years, at which the voting shall be by secret ballot, on the question: "Shall the mall be continued in operation?" If sixty percent of the membership of the organization vote to discontinue the mall, the results of the election shall be submitted to the corporate authority. The corporate authority may initiate proceedings by ordinance for the discontinuation of the mall, allocate the proportionate amount of the outstanding obligations of the mall to the abutting property of the mall or property specially benefited if a local improvement district is established, subject to the provisions of any applicable statutes and bond ordinances, resolutions, or agreements, and thereafter, at a time set by the corporate authority, the mall may be restored to its former right of way status.

Severability.

SEC. 14. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act or application of its provisions to other persons or circumstances will not thereby be affected.

Act controls.

SEC. 15. Insofar as the provisions of this act are

inconsistent with a provision of any other law, the provisions of this act shall be controlling.

Passed the House February 26, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 112.

[H. B. 519.]

FEDERAL SURPLUS FOOD.

AN ACT relating to the distribution of federal surplus food; adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW; making an appropriation; and declaring an emergency.

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

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows: New section.

Until June 30, 1963 the director of the state department of public assistance, from funds appropriated to his department for the purpose, shall, upon receipt of authorization from the governor, provide for the receiving, warehousing and distributing of federal surplus food commodities for the use and assistance of recipients of public assistance or other needy families and individuals certified as eligible to obtain such commodities. The director is authorized to enter into such agreements as may be necessary with the federal government in order to participate in any program of distribution of surplus food commodities including but not limited to a food stamp program. The director shall hire personnel, establish distribution centers and acquire such facilities as may be required to carry out the intent of this section; and he may carry out any such program as a sole operation of the department or in conjunction or coop-

Distribution of federal surplus foods, administrative program for, authorized.

eration with any similar program of distribution by private individuals or organizations, any department of the state or any political subdivision of the state.

Discontinuance authorized.

The director shall discontinue such program, or any part thereof, whenever in the determination of the governor such program, or any part thereof, is no longer in the best interest of the state.

Appropriation.

SEC. 2. To carry out the provisions of this act there is appropriated to the department of public assistance from the general fund for the biennium ending June 30, 1963, the sum of two million, two hundred ninety-two thousand, five hundred twenty-eight dollars, or so much thereof as shall be necessary.

Emergency.

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

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 15, 1961.

CHAPTER 113.

[Sub. S. B. 28.]

APPROPRIATION—EXPENSES OF LEGISLATURE.

AN ACT relating to the expenses of the legislature; making appropriations therefor, and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the state general fund to the legislature the sum of eighty-six thousand dollars, or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than forty thousand dollars; and

(2) The House of Representatives shall not expend more than forty-six thousand dollars: *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee: *And provided further*, That from the allocation to the House of Representatives, the House shall reimburse the Speaker for not more than seventy days, in lieu of per diem, at the rate of twenty-five dollars per day for each day or major portion thereof in which he is actually engaged in completing the work of the thirty-seventh legislature and is performing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

SEC. 2. There is hereby appropriated out of the state general fund to the legislature the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the legislature, or either branch thereof. Appropriation.

SEC. 3. There is hereby appropriated out of the state general fund to the legislature the sum of one hundred and thirty thousand dollars, or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents. Appropriation.

SEC. 4. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate March 3, 1961.

Passed the House March 4, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 114.

[S. B. 144.]

APPRENTICESHIP.

AN ACT relating to apprenticeship; amending section 1, chapter 231, Laws of 1941 and RCW 49.04.010; amending section 2, chapter 231, Laws of 1941 and RCW 49.04.030; and amending section 4, chapter 231, Laws of 1941 and RCW 49.04.050.

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

RCW 49.04.010 amended.

SECTION 1. Section 1, chapter 231, Laws of 1941 and RCW 49.04.010 are each amended to read as follows:

Apprenticeship council created—Composition—Terms of members—Duties.

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for transportation and expenses and shall be paid not more than ten dollars for each day spent in attendance at meetings of the council. The apprenticeship council with the consent of employee and employer

groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report through the director of labor and industries on November 1, of its activities and findings to the legislature which shall be made available to the public.

SEC. 2. Section 2, chapter 231, Laws of 1941 and RCW 49.04.030 are each amended to read as follows:

RCW 49.04.030 amended.

Subject to the confirmation of the state apprenticeship council by a majority vote, the director of labor and industries shall appoint and deputize an assistant director to be known as the supervisor of apprenticeship. Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor shall: (1) Encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this chapter, and in harmony with the policies of the United States department of labor; (2) act as secretary of the apprenticeship council and of state joint apprenticeship committees; (3) when so authorized by the apprenticeship council, register such apprenticeship agreements as are in the best interests of the apprentice and conform to the standards established by or in accordance with this chapter; (4) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship; (5) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who (6) may act to bring about the settlement of differences arising out of the apprenticeship agree-

Supervisor of apprenticeship—Duties.

ment where such differences cannot be adjusted locally or in accordance with the established trade procedure.

Related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of the state board for vocational education and its local recognized agency for vocational education. The director of labor and industries is authorized to appoint such other personnel as may be necessary to aid the apprenticeship council and the supervisor of apprenticeship in the execution of their functions under this chapter.

RCW 49.04.050
amended.

Standards for
apprenticeship
agreements.

SEC. 3. Section 4, chapter 231, Laws of 1941 and RCW 49.04.050 are each amended to read as follows:

Standards of apprenticeship agreements are as follows:

(1) A statement of the trade or craft to be taught and the required hours for completion of apprenticeship which shall be not less than four thousand hours of reasonably continuous employment.

(2) A statement of the processes in the trade or craft divisions in which the apprentice is to be taught and the approximate amount of time to be spent at each process.

(3) A statement of the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction which instruction shall be not less than one hundred forty-four hours per year.

(4) A statement of the age of the apprentice which may not be less than sixteen years of age.

(5) A statement of the progressively increasing scale of wages to be paid the apprentice.

(6) Provision for a period of probation during which the apprenticeship council or the supervisor of apprenticeship may terminate an apprenticeship

agreement at the request in writing of any party thereto. After the probationary period the apprenticeship council, or the supervisor of apprenticeship, under the procedure approved by the council, shall be empowered to terminate the apprenticeship agreement in accordance with the provisions of such agreement.

(7) Provision that the services of the supervisor and the apprenticeship council may be utilized for consultation regarding the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

(8) Provision that if an employer is unable to fulfill his obligation under the apprenticeship agreement he may transfer such obligation to another employer.

(9) Such additional standards as may be prescribed in accordance with the provisions of this chapter.

Passed the Senate March 5, 1961.

Passed the House March 2, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 115.

[S. B. 219.]

MOTOR VEHICLE EXCISE TAXES—BUREAU OF GOVERNMENTAL RESEARCH.

AN ACT relating to the excise tax on motor vehicles and trailers; and amending section 82.44.160, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.44.160.

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

SECTION 1. Section 82.44.160, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.44.160 are each amended to read as follows:

RCW 82.44.160
amended.

Distribution to
University
bureau of
governmental
research—
Disposition
of unused
funds.

Before distributing moneys to the cities and towns from the motor vehicle excise fund, as provided in RCW 82.44.150, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in said section, which sum shall be apportioned and transmitted to the University of Washington for use by its bureau of governmental research and services, and shall be used for studies and research in municipal government, publications, educational conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The program shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its executive committee which is hereby recognized as their official agency or instrumentality.

Any moneys remaining unexpended or uncontracted for by the bureau at the end of any fiscal biennium shall be returned to the motor vehicle excise fund and be paid to cities and towns under the provisions of RCW 82.44.150.

Passed the Senate March 2, 1961.

Passed the House March 1, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 116.

[S. B. 43.]

EDUCATION—SUPERIOR CAPACITY STUDENTS.

AN ACT relating to education for students of superior capacity;
and adding a new chapter to Title 28 RCW.

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

SECTION 1. There is added to Title 28 RCW a new chapter to read as set forth in sections 2, 3 and 4 of this act. New chapter.

SEC. 2. There is established in the office of the state superintendent of public instruction a division of special education for students of superior capacity. Such students are those who consistently show remarkable performance in academic pursuits or demonstrate exceptional ability. Division established.

Students of superior capacity defined.

SEC. 3. The state superintendent of public instruction, shall, within the scope of policies and regulations adopted by the state board of education, administer a program to improve the education of students of superior capacity; conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts and allocating supplementary funds for excess costs when appropriated for this purpose by the legislature. Administration of educational program.

SEC. 4. Local school districts, either separately or jointly may: Local school district participation.

(1) Establish and operate special, seminar or augmented programs of education for superior students; and

(2) Employ and pay special instructors; and

(3) Establish and operate in conjunction with any institution of higher learning joint programs of education for superior students.

Passed the Senate February 23, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 117.

[S. B. 44.]

URBAN TRANSPORTATION SYSTEMS—
FUEL TAX REFUNDS.

AN ACT relating to refunds of motor vehicle fuel tax and exemptions from use fuel tax for certain urban transportation systems; amending section 82.36.275, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.36.275; and amending section 82.40.047, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.40.047.

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

RCW 82.36.275 amended.

SECTION 1. Section 82.36.275, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.36.275 are each amended to read as follows:

Refunds for urban passenger transportation systems—
Systems defined—
Expiration.

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

For the purposes of this section “urban passenger transportation system” means every transportation system, publicly or private owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys (either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system) do not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are

located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated: *Provided further*, That this section shall expire June 30, 1963.

SEC. 2. Section 82.40.047, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 82.40.047 are each amended to read as follows:

RCW 82.40.047 amended.

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use fuel taxes.

Exemption for urban passenger transportation systems—Systems defined—Expiration.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over fifteen persons, over prescribed route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated: *Provided further*, That this section shall expire June 30, 1963.

Passed the Senate February 20, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 118.

[S. B. 89.]

MOTOR VEHICLES—RIGHT OF WAY—LEFT TURNS.

AN ACT relating to the operation of motor vehicles upon public highways; and amending section 46.60.160, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.60.160.

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

RCW 46.60.160 amended.

SECTION 1. Section 46.60.160, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.60.160 are each amended to read as follows:

Right of way on making left turn at intersection.

It shall be the duty of any operator of any vehicle upon entering an intersection and having signaled his intention as required by law to turn such vehicle to the left to look out for and give right of way to vehicles approaching in the opposite direction and thereby placed on his right, simultaneously approaching the given point within the intersection, whether such vehicle first enter and reach the intersection or not.

Passed the Senate February 2, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 119.

[S. B. 90.]

MOTOR VEHICLE OPERATORS—VISUALLY DEFECTIVE.

AN ACT relating to motor vehicles and the licensing of operators thereof; and repealing section 46.20.050, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.20.050.

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

Repeal.

SECTION 1. Section 46.20.050, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.20.050 are each repealed.

Passed the Senate February 2, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 120.

[S. B. 91.]

MOTOR VEHICLES—SPEED LIMITS.

AN ACT relating to speed on public highways; and amending section 46.48.021, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.48.021.

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

SECTION 1. Section 46.48.021, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.48.021 are each amended to read as follows:

RCW 46.48.021
amended.

Subject to RCW 46.48.010, and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of thirty-five miles per hour in traversing any intersection of public highways outside of incorporated cities and towns where the operator's view is obstructed to the extent that at any time during the last one hundred feet of his approach to an intersection he does not have a clear and uninterrupted view of such intersection, and of all public highways entering such intersection for a distance of one hundred feet along the center line of each thereof: *Provided*, That it shall be the duty of local authorities to sign post such intersections: *Provided further*, That this provision shall not apply to operators upon arterial highways outside of incorporated cities and towns.

Speed limits
at intersections
outside city
or town.

Passed the Senate February 1, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 121.

[Sub. S. B. 209.]

COURT REPORTERS—COMPENSATION.

AN ACT relating to court reporters; and amending section 1, chapter 210, Laws of 1951, as last amended by section 2, chapter 244, Laws of 1957 and RCW 2.32.210.

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

RCW 2.32.210 amended.

SECTION 1. Section 1, chapter 210, Laws of 1951 as last amended by section 2, chapter 244, Laws of 1957, and section 2.32.210 RCW are each amended to read as follows:

Salaries—
Expenses in
joint districts.

Each official reporter shall be paid compensation as follows:

(1) In judicial districts comprised of class AA counties, such salary as shall be fixed by the judges of said counties and approved by the board of county commissioners of said class AA counties;

(2) In all judicial districts having a total population of one hundred thousand or over, excluding class AA counties, six thousand six hundred dollars per annum; in the judicial district containing the state capitol, six thousand six hundred dollars per annum regardless of population;

(3) In judicial districts having a total population of forty thousand or more and less than one hundred thousand, six thousand dollars per annum.

In judicial districts having a total population of twenty-five thousand and under forty thousand, five thousand four hundred dollars per annum.

Said compensation shall be paid out of the current expense fund of the county where court is held.

In judicial districts comprising more than one county the judge or judges thereof shall, on the first day of January of each year, or as soon thereafter as may be convenient, apportion the amount of the salary to be paid to the reporter by each county according and in proportion to the number of criminal

and civil actions entered and commenced in superior court of the constituent counties in the preceding year. In addition to the salary above provided, in judicial districts comprising more than one county, the reporter shall receive his actual and necessary expenses of transportation and living expenses when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expense to be paid by the county to which he travels. If one trip includes two or more counties, the expense may be apportioned between the counties visited in proportion to the amount of time spent in each county on the trip. If an official reporter uses his own automobile for the purpose of such transportation, he shall be paid therefor at the same rate per mile as county officials are paid for use of their private automobiles. The sworn statement of the official reporter, when certified to as correct by the judge presiding, shall be a sufficient voucher upon which the county auditor shall draw his warrant upon the treasurer of the county in favor of the official reporter.

The salaries of official court reporters shall be paid upon sworn statements, when certified as correct by the judge presiding, as state and county officers are paid.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 122.

[S. B. 211.]

HIGHWAYS—LIMITED ACCESS—CITIES AND TOWNS.

AN ACT relating to limited access highway facilities within cities and towns; and adding a new section to chapter 13, Laws of 1961 (House Bill No. 3) and to chapter 47.52 RCW.

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

New section.

SECTION 1. There is added to chapter 13, Laws of 1961 (House Bill No. 3) and to chapter 47.52 RCW a new section to read as follows:

Jurisdiction to enforce laws on limited access highway in city or town.

Whenever any limited access highway facility passes within or through any incorporated city or town the municipal police officers of such city or town, the sheriff of the county wherein such city or town is situated and officers of the Washington state patrol shall have independent and concurrent jurisdiction to enforce any violation of the laws of this state occurring thereon: *Provided*, The Washington state patrol shall bear primary responsibility for the enforcement of laws of this state relating to motor vehicles within such limited access highway facilities.

Passed the Senate February 14, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 123.

[S. B. 295.]

SCHOOL FUNDS—INVESTMENT.

AN ACT relating to school funds and the investment and re-investment thereof; adding a new section to Title 28 RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to Title 28 RCW a new section to read as follows:

Investment or reinvestment of school district funds —Procedure.

The county treasurer, or the trustee, guardian, or any other custodian of any school fund shall,

when authorized to do so by the board of directors of any school district, invest or reinvest any school funds of such district in any obligations, securities, certificates, notes, bonds, or short term securities or obligations, of the United States. The county treasurer shall have the power to select the particular investment in which said funds may be invested. All earnings and income from such investments shall inure to the benefit of any school fund designated by the board of directors of the school district which such board may lawfully designate: *Provided*, That any interest or earnings being credited to a fund different from that which earned the interest or earnings shall only be expended for instructional supplies, equipment or capital outlay purposes. This section shall apply to all funds which may be lawfully so invested or reinvested which in the judgment of the school board are not required for the immediate necessities of the district.

Five percent of the interest or earnings, with a minimum of ten dollars or maximum of fifty dollars, on any transactions authorized by each resolution of the board of school directors shall be paid as an investment service fee to the office of county treasurer when such investment is terminated and the interest or earnings becomes available to the school district.

**Investment
service fee.**

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

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 institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 25, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 124.

[S. B. 306.]

FIREARMS.

AN ACT relating to firearms; amending section 1, chapter 172, Laws of 1935 and RCW 9.41.010; amending section 2, chapter 172, Laws of 1935 and RCW 9.41.020; amending section 4, chapter 172, Laws of 1935 and RCW 9.41.040; amending section 5, chapter 172, Laws of 1935 and RCW 9.41.050; amending section 6, chapter 172, Laws of 1935 and RCW 9.41.060; amending section 7, chapter 172, Laws of 1935 and RCW 9.41.070; amending section 9, chapter 172, Laws of 1935 and RCW 9.41.090; amending section 11, chapter 172, Laws of 1935 and RCW 9.41.110; amending section 12, chapter 172, Laws of 1935 and RCW 9.41.120; amending section 14, chapter 172, Laws of 1935 and RCW 9.41.140; amending section 15, chapter 172, Laws of 1935 and RCW 9.41.150; amending section 16, chapter 172, Laws of 1935 and RCW 9.41.160; amending section 21, chapter 172, Laws of 1935; and defining crimes and prescribing penalties.

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

RCW 9.41.010 amended.

SECTION 1. Section 1, chapter 172, Laws of 1935 and RCW 9.41.010 are each amended to read as follows:

Firearms and dangerous weapons. Terms defined.

“Short Firearm” or “pistol” as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

“Crime of Violence” as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

RCW 9.41.020 amended.

SEC. 2. Section 2, chapter 172, laws of 1935 and RCW 9.41.020 are each amended to read as follows:

Additional penalties for committing crime, resisting arrest, when armed.

If any person shall commit or attempt to commit a crime of violence when armed with a firearm, such person shall in addition to the penalty provided by statute for the crime when committed without use of a firearm, be guilty of a felony and punished by imprisonment for not less than five years.

If any person shall resist apprehension or arrest

by firing upon a law enforcement officer, such person shall in addition to the penalty provided by statute for resisting arrest, be guilty of a felony and punished by imprisonment for not less than five years.

SEC. 3. Section 4, chapter 172, Laws of 1935 and RCW 9.41.040 are each amended to read as follows:

No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

RCW 9.41.040 amended.

Certain persons forbidden to possess arms—Penalty.

SEC. 4. Section 5, chapter 172, Laws of 1935 and RCW 9.41.050 are each amended to read as follows:

No person shall carry a pistol in any vehicle unless it is unloaded or carry a pistol concealed on his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

RCW 9.41.050 amended.

Carrying pistol without license.

SEC. 5. Section 6, chapter 172, Laws of 1935 and RCW 9.41.060 are each amended to read as follows:

The provisions of RCW 9.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: *Provided*, Such members are at, or are going to or from their places of target practice, or their collector's gun shows

RCW 9.41.060 amended.

Exceptions under RCW 9.41.050.

and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

RCW 9.41.070
amended.

SEC. 6. Section 7, chapter 172, Laws of 1935 and RCW 9.41.070 are each amended to read as follows:

Issuance of
license to
carry pistol—
Fee.

The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for not more than one year from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless there exists a record of his prior court conviction of a crime of violence, or of drug addiction or of habitual drunkenness or of confinement to a mental institution. The license shall be in triplicate, in form to be prescribed by the state director of licenses, and shall bear the name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licenses and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for such license shall be one dollar which shall be paid into the state treasury.

SEC. 7. Section 9, chapter 172, Laws of 1935 and RCW 9.41.090 are each amended to read as follows:

Sales by dealers shall be regulated as hereinafter provided.

Sales
regulated.

SEC. 8. Section 11, chapter 172, Laws of 1935 and RCW 9.41.110 are each amended to read as follows:

The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

Dealer's
licenses
to sell pistols.
By whom
granted—
Conditions—
Fee.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six

hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

RCW 9.41.120 amended.

SEC. 9. Section 12, chapter 172, Laws of 1935 and RCW 9.41.120 are each amended to read as follows:

Certain transfers forbidden.

No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

RCW 9.41.140 amended.

SEC. 10. Section 14, chapter 172, Laws of 1935 and RCW 9.41.140 are each amended to read as follows:

Alteration of identifying marks prohibited—Exception.

No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

SEC. 11. Section 15, chapter 172, Laws of 1935 and RCW 9.41.150 are each amended to read as follows:

RCW 9.41.150 amended.

RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

Antiques exception.

SEC. 12. Section 16, chapter 172, Laws of 1935 and RCW 9.41.160 are each amended to read as follows:

RCW 9.41.160 amended.

Any violation of any provision of RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in sections 2 and 3 of this amendatory act, shall be a misdemeanor and punishable accordingly.

Penalties.

SEC. 13. If any part of this act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

Severability.

SEC. 14. Section 21, chapter 172, Laws of 1935 is amended to read as follows:

1935 c 172 § 21 amended.

Certain Acts Repealed. All laws or parts of laws of the state of Washington, its subdivisions and municipalities inconsistent herewith are hereby preempted and repealed.

General repeal, preemption.

Passed the Senate February 21, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 125.

[S. B. 316.]

CITIES AND TOWNS—SALE OF WATER.

AN ACT relating to the sale of water by any city or town outside of its boundaries; amending section 1, chapter 12, Laws of 1917, as last amended by section 8, chapter 288, Laws of 1957 and RCW 80.40.200.

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

RCW 80.40.200 amended.

SECTION 1. Section 1, chapter 12, Laws of 1917, as last amended by section 8, chapter 288, Laws of 1957 and RCW 80.40.200 are each amended to read as follows:

Municipal sale of water—Contracts for outside service.

A city or town may enter into a firm contract with any outside municipality, community, corporation, or person, for furnishing them with water without regard to whether said water shall be considered as surplus or not and regardless of the source from which such water is obtained, which contract may fix the terms upon which the outside distribution systems will be installed and the rates at which and the manner in which payment shall be made for the water supplied or for the service rendered.

Passed the Senate February 27, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 126.

[S. B. 434.]

PORT DISTRICTS—POWERS.

AN ACT relating to port districts and amending section 3, chapter 65, Laws of 1955, and RCW 53.08.020.

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

SECTION 1. Section 3, chapter 65, Laws of 1955, and RCW 53.08.020 are each amended to read as follows:

RCW 53.08.020 amended.

A district may construct, condemn, purchase, acquire, add to, maintain, conduct, and operate systems of sea walls, jetties, piers, wharves, docks, boat landings, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, facilities for freezing or processing goods or perishable commodities, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, administration buildings, fishing terminals, together with modern appliances and buildings for the economical handling, packaging, storing, and transporting of freight and handling of passenger traffic, and other harbor improvements, rail and water transfer and terminal facilities within the district; and in connection with the operation of the improvements of the district, perform all customary services including the handling, weighing, measuring, and reconditioning all commodities received. A district may also construct, purchase and operate belt line railways, but shall not acquire the same by condemnation.

Acquisition and operation of facilities, port district power.

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the

Severability.

provision to other persons or circumstances is not affected.

Passed the Senate February 22, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 127.

[S. B. 462.]

CENTURY 21—COMMEMORATIVE COINS.

AN ACT relating to issuing coins commemorating the Century 21 Exposition; providing for the sale and distribution of proceeds from the sale of such coins; and adding a new section to chapter 215, Laws of 1957 and to chapter 43.31 RCW.

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

New section.

SECTION 1. There is added to chapter 215, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows:

Century 21 commemorative coins Authorized.

The state of Washington through the department of commerce and economic development with the cooperation and assistance of the world fair commission and the Century 21 Exposition Corporation, in order to advertise, promote and help finance the Century 21 Exposition to be held in Seattle, Washington in 1962, is hereby authorized to have made, manufactured, stamped or engraved, coins commemorating the exposition.

Described

The coin shall be of the approximate size and shape of a dollar, inscribed in an attractive manner, showing the name of the exposition, stating the value and that it may be used for trade for any purpose, and redeemable at face value by the department of commerce and economic development as herein prescribed not later than December 31, 1963.

Use.

These coins are not legal tender but may be used,

accepted and exchanged by anyone with the privilege of redemption as set forth in this act.

The department of commerce and economic development shall handle the manufacturing, sale and distribution of the coins, set up a separate account for the proceeds from the sale of these coins and shall be reimbursed for any expenses incurred in the manufacture, distribution, redemption, and accounting of these funds from this account.

Department to administer issuance and sale.

The price of the coin shall be one dollar and after all expenses in connection with the sale of the coins have been paid and the redeemable date has expired, the department of commerce and economic development shall remit any balance in the separate fund to the state treasurer for the credit of the general fund.

Price—Disposition of funds.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 128.

[S. B. 9.]

MOTOR VEHICLES—DISABLED OPERATORS—DECALS.

AN ACT relating to motor vehicles; adding new sections to chapter 12, Laws of 1961 (House Bill No. 2) and to chapter 46.16 and 46.48 RCW; and providing penalties.

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

SECTION 1. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and to chapter 46.16 RCW a new section to read as follows:

New section.

Any person who shall submit satisfactory proof to the director of licenses that he has lost both of his lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or

Decals for vehicles of disabled operators.

a wheelchair, shall be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by such person, a new decal shall be issued by the director. Application for renewal must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special decal. No additional fees shall be charged for the issuance of such special decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Penalty for unauthorized use.

Any unauthorized use of such distinguishing decal shall constitute a gross misdemeanor.

New section.

SEC. 2. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and to chapter 46.48 RCW a new section to read as follows:

Unlimited parking for disabled drivers—Limitations.

Any person who has lost both of his lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be allowed to park his vehicle for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays

a distinguishing decal as provided in section 1 of this amendatory act.

Passed the Senate February 14, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 129.

[S. B. 27.]

WORLD FAIR—DISPLAYS BY PERSONS IN INSTITUTIONS.

AN ACT relating to the display and sale at the World Fair or Century 21 Exposition of articles produced by persons confined to state institutions; and adding a new section to chapter 307, Laws of 1955 and to chapter 43.96 RCW.

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

SECTION 1. There is added to chapter 307, Laws of 1955 and to chapter 43.96 RCW a new section to read as follows:

The world fair commission shall provide the department of institutions with adequate space at the World Fair or Century 21 Exposition for the display and sale of articles produced or manufactured as the result of occupational therapy by persons confined to any state institution. Such space shall be furnished without charge. The director of institutions shall credit the proceeds derived from the sale of such articles to the institution where produced or manufactured to be used for recreational purposes by the persons confined thereto.

Passed the Senate February 23, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 130.

[H. B. 241.]

ELECTIONS.

AN ACT relating to elections; amending section 1, chapter 48, Laws of 1939, as last amended by section 1, chapter 196, Laws of 1953, and RCW 29.42.010, 29.42.020, 29.42.030, 29.42.040 and 29.42.050; amending section 3096, Code of 1881, section 24, chapter 209, Laws of 1907 and RCW 29.27-.100, 29.30.100, 29.62.010, 29.62.100 and 29.62.110; amending sections 3097 and 3104, Code of 1881 and RCW 29.62-.080; amending section 8, chapter 94, Laws of 1937, section 19, chapter 14, Laws of 1950 extraordinary session and RCW 29.24.080; amending section 12, chapter 13, Laws of 1890, section 1, chapter 21, Laws of 1933, section 18, chapter 163, Laws of 1919 and RCW 29.18.110, 29.18.150 and 29.30.110; amending section 9, chapter 13, Laws of 1890 and RCW 29.27.050; amending section 18, chapter 14, Laws of 1950 extraordinary session and RCW 29.36.080; adding a new section to chapter 29.36 RCW; and repealing section 11, chapter 13, Laws of 1890, as last amended by section 8, chapter 161, Laws of 1949, and RCW 29.18.130; and repealing section 13, page 405, Laws of 1890 and RCW 29.30.120; and adding a new section to chapter 28.57 RCW.

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

SECTION 1. Section 1, chapter 48, Laws of 1939, as last amended by section 1, chapter 196, Laws of 1953 (heretofore divided and codified as RCW 29.42.010, 29.42.020, 29.42.030, 29.42.040, and 29.42.050) is divided and amended as set forth in sections 2, 3, 4, 5 and 6 of this act.

SEC. 2. (RCW 29.42.010) Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors; and
- (6) Perform all functions, inherent in such an

RCW 29.42.010
enacted
without
amendment.

organization: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election.

SEC. 3. (RCW 29.42.020) The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a chairman and vice chairman who must be of opposite sexes.

RCW 29.42.020
enacted
without
amendment.

SEC. 4. (RCW 29.42.030) The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. This committee shall meet for the purpose of organization at the county court house at two o'clock p. m. on the second Saturday in December after each state general election unless some other time and place are designated by a sufficient notice to all the newly elected committeemen by the authorized officers of the retiring committee. For the purpose of this paragraph, a notice mailed at least seventy-two hours prior to the date of the meeting shall constitute sufficient notice.

RCW 29.42.030
amended.
County central
committee—
Meetings—
Officers.

At its organization meeting, the county central committee shall elect a chairman and vice chairman who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman.

SEC. 5. (RCW 29.42.040) Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his declaration of candidacy with the county auditor for the office of precinct committeeman of his party in that precinct. When elected he shall serve so long as he remains an eligible voter in that precinct and until his successor has been elected at the next ensuing state general election.

RCW 29.42.040
amended.
Precinct com-
mitteeman,
who is
eligible.

RCW 29.42.050
amended.
Precinct com-
mitteeman—
Election—
Terms—
Vacancies.

SEC. 6. (RCW 29.42.050) The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and include the third Monday in August immediately preceding the state primaries, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election and the one receiving the highest number of votes shall be declared elected: *Provided*, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: *Provided*, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: *Provided further*, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030.

SEC. 7. Section 3096, Code of 1881, section 24,

chapter 209, Laws of 1907 (heretofore divided, combined and codified as RCW 29.27.100, 29.30.100, 29.62.010, 29.62.100 and 29.62.110) are amended to read as set forth in sections 8, 9, 10, 11 and 12 of this act.

SEC. 8. (RCW 29.27.100) Immediately after the ascertainment of the result of an election for an office to be filled by the voters of a single county, or of a precinct, or of a constituency within a county for which he serves as supervisor of elections, the county auditor shall notify the person elected, and upon his demand issue to him a certificate of his election.

RCW 29.27.100
enacted
without
amendment.

SEC. 9. (RCW 29.30.100) The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

RCW 29.30.100
enacted
without
amendment.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

SEC. 10. (RCW 29.62.010) Every official body or officer upon whom is imposed the duty of canvassing the returns of any primary or election shall:

RCW 29.62.010
amended.
Manner of
canvassing
election
returns—
Generally.

(1) Prepare and certify a statement separately setting forth for each office the returns as to which it or he is required by law to canvass, and the vote each candidate received therefor;

(2) If required to canvass returns from a primary, prepare and certify a statement separately setting forth each office the returns as to which it

or he is required by law to canvass, and the member of each political party participating therein who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office the number of candidates of each political party participating therein equalling the number of positions to be filled who received the highest number of votes shall be listed as the nominees;

(3) If, at a partisan primary, two or more candidates of the same party are tied for the same office, determine the tie then and there by lot;

(4) If, at a nonpartisan or judicial primary, two or more candidates have received an equal number of votes and such number is barely sufficient for nomination, but as a consequence, the number of persons so nominated exceeds twice the number of positions to be filled, determine the tie then and there by lot so as to reduce the field of candidates to the proper number.

(5) After each election, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the person who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office, the number of persons equalling the number of positions to be filled who receive the highest number of votes shall be listed as having been elected.

SEC. 11. (RCW 29.62.100) The state canvassing board shall consist of the secretary of state, the state treasurer and the state auditor. It shall canvass the returns of all primary elections as to candidates for state offices, United States senators and representatives in congress and all other candidates whose district extends beyond the limits of a single county.

RCW 29.62.100
enacted
without
amendment.

SEC. 12. (RCW 29.62.110) The state canvassing board shall meet at the office of the secretary of state as soon as possible but in no event not later than the third Tuesday next succeeding a primary election the returns of which they are required by law to canvass, and proceed to canvass the returns.

RCW 29.62.110 amended.
State canvassing board—Meeting—Certificate.

They shall file the certificate of their canvass signed by all members with the secretary of state who shall immediately publish a copy thereof in a legal newspaper published at the state capital.

SEC. 13. Sections 3097 and 3104, Code of 1881 (heretofore combined and codified as RCW 29.62.080) are each amended to read as follows:

RCW 29.62.080 amended.

If the requisite number of any federal, state, county, city, district, or precinct officers shall not be elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by said official, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said official shall make out and deliver to the person thus duly declared elected a certificate of his election as hereinbefore provided.

Tie votes in final elections—Procedure.

SEC. 14. Section 8, chapter 94, Laws of 1937 and section 19, chapter 14, Laws of 1950 extraordinary session (heretofore combined and codified as RCW 29.24.080) are each amended to read as follows:

RCW 29.24.080 amended.

The certificate of nominations made by a minor party convention, and the declarations of candidacy of the individual candidates nominated may be filed with the secretary of state at any time after said convention is held, but such filing must be complete

Filing dates for certificates and declarations.

not later than the first Tuesday after the date of the September primaries.

SEC. 15. Section 12, chapter 13, Laws of 1890, section 1, chapter 21, Laws of 1933, section 18, chapter 163, Laws of 1919 (heretofore divided, combined and codified as RCW 29.18.110, 29.18.150 and 29.30.110) are amended to read as set forth in sections 16, 17 and 18 of this act.

RCW 29.18.110
amended.
Number of
votes neces-
sary to
nominate.

SEC. 16. (RCW 29.18.110) Any person who receives a plurality of the votes cast for the candidates of his party for any office shall be his party's nominee for that office.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

RCW 29.18.150
amended.
Vacancies on
ticket—How
filled.

SEC. 17. (RCW 29.18.150) Should a place on a party ticket be vacant because no person filed for nomination as the candidate of that party, after the last day allowed for candidates to withdraw as provided by RCW 29.18.030, if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for

candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy: *Provided*, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.

Should such vacancy occur no later than the third Tuesday prior to the state general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the certificate of nomination to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy.

RCW 29.30.110
enacted
without
amendment.

SEC. 18. (RCW 29.30.110) No person who has offered himself as a candidate for the nomination of one party at the primary shall have his name printed on the ballot of the succeeding general election as the candidate of another political party.

RCW 29.27.050
amended.

SEC. 19. Section 9, chapter 13, Laws of 1890 and RCW 29.27.050 are each amended to read as follows:

Certification of
nominees by
secretary of
state.

As soon as possible but in no event no later than the fourth Tuesday after any primary election, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

RCW 29.36.080
amended.

SEC. 20. Section 18, chapter 14, Laws of 1950 extraordinary session and RCW 29.36.080 are each amended to read as follows:

Canvassing
September pri-
mary absentee
ballots—Time.

The opening, counting and canvassing of absentee ballots cast at the September primary may begin on the day after the primary but shall not be continued after the tenth day subsequent to the day of the primary and the returns shall then be made immediately.

New section.

SEC. 21. There is added to chapter 29.36 RCW a new section to read as follows:

Absentee bal-
lots for minor
party conven-
tion attendants
—Procedure.

Any duly registered voter, who expects to attend a new or minor party convention on the same day that primary elections are held shall be entitled to an absentee ballot pursuant to the provisions of this chapter for the limited purpose of voting for candidates for nonpartisan offices, primary elections for which are being held on the same day as the new or minor party convention: *Provided*, That the duplicate certificate provided for in RCW 29.36.020 and the absentee ballot issued shall be stamped or have plainly marked thereon "Minor Party Absentee" and no such ballot shall be valid if voted for candi-

dates other than those seeking nomination to non-partisan offices: *Provided further*, That upon the listing of persons casting absentee ballots as provided in RCW 29.36.095, it shall be noted that such person cast a minor party absentee ballot.

SEC. 22. Section 13, page 405, Laws of 1890 and RCW 29.30.420, and section 11, chapter 13, Laws of 1890, as last amended by section 8, chapter 161, Laws of 1949, and RCW 29.18.130 are each repealed. Repeal

SEC. 23. There is added to chapter 28.57 RCW a new section to read as follows: New section.

The qualified electors residing within a joint school district shall vote on the office of school director of their district and on the office of county board of education of the county to which the district belongs, even though they reside outside that county. Joint school districts—
Election procedures.

Whenever a joint school district lies partially within either a class AA or class A county and a county of lower class and the jurisdiction of the election rests with the clerk of such district, the elections, (whether general or special), shall be handled in the following manner:

(1) There shall be at least one polling place in each county.

(2) At least twenty days prior to the elections concerned, the county auditor of such class AA or class A county shall certify in writing to the clerk of the school district the number and location of the polling places established by him for such regular or special elections together with the number of ballots needed for such polling places. Upon receipt of such certification, the clerk of the school district shall furnish the required number of ballots no later than the fifth day prior to said elections.

It is the intention of this section that the qualified electors of a joint school district shall vote for school directors of their district and members of the

county board of education concerned with their school district and shall not be forced to go to different polling places on the same day when other elections are being held.

Passed the House March 2, 1961.

Passed the Senate February 28, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 131.

[H. B. 107.]

DRAINAGE DISTRICTS.

AN ACT relating to drainage districts; and adding a new chapter to Title 85 RCW.

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

New chapter.

SECTION 1. There is added to Title 85 a new chapter to read as set forth in sections 2 through 25 of this act.

Legislative declaration.

SEC. 2. The maintenance of drainage districts is essential to the economy of the state. The influx of population and changes in land use since many such districts were formed, has made obsolete and unjust the method used under existing law to provide funds for the operation of such districts and for the maintenance and expansion of its drainage systems. Also, in many instances, properties lying outside of the territorial limits of such districts, have been and are being developed in such a manner that waters therefrom, through artificial rather than natural processes, are accumulated and discharged for outlet upon lands within such districts, and the facilities of such district are used without charge to furnish service and benefit to such lands. To furnish remedy for such situations where they are found to exist

the state declares that it has an interest therein and this act is passed.

SEC. 3. As used in this act:

Definitions.

“District” means a regularly formed and established drainage district under the provisions of this title.

“District”.

“Board” means the board of commissioners of a regularly formed and established drainage district under the provisions of this title.

“Board”.

SEC. 4. The board may: (1) Make initial determination that the district’s facilities furnish benefit to improvements upon land as well as land alone within the district in protecting against and furnishing run-off for surface and/or flood waters; (2) Make initial determination that lands and improvements thereon outside of the territorial limits of the district are receiving a service from the facilities of the district, and are benefited thereby in that waters from such lands through ditches, drains, or other artificial methods, other than by natural flow or seepage, are so cast as to have outlet through the district’s facilities; (3) Determine that properties so found to be served should pay a just proportion of the operational and maintenance costs of the district; (4) In connection with so finding, cause a roll of property thus served and benefited by the district’s facilities to be prepared and filed with it, and give notice of a hearing thereon as provided in this act; (5) Hold public hearings to determine the ultimate facts and approve an ultimate roll of properties served and benefited by the facilities of the district and valuations thereof to serve as a basis against which annual millage levy may be assessed for continuous benefits furnished such properties; make revision thereof as the facts warrant from time to time; provide for the levying of such millage; and make return of such roll finally adopted by certifying and filing a copy thereof with the auditor,

Board powers.

assessor and treasurer of the county wherein the properties involved are located.

Roll of properties served—
Declaration by resolution,
contents.

SEC. 5. In the initial instance, when the board of any district, desires to use the method and procedure provided in this act, and in order that uniformity may be had, it may cause a roll of all properties within the district claimed to be benefited by its drainage system, and in addition or as a part thereof, a roll of all properties outside of the territorial limits of said district claimed to be served and benefited by the drainage systems of said district, to be prepared and filed with it. Thereupon, the board shall by resolution declare:

(1) That it has made initial determination that the district's facilities are furnishing and will furnish service and benefit to the properties, including improvements thereon, described in such roll;

(2) That such roll has been filed with it and will remain so filed and open to inspection by any party interested therein at all reasonable times;

(3) That a public hearing will be held by the board at a time and place stated to give consideration to the facts and make ultimate determination of the same and to said roll;

(4) That when said roll is finally adopted, annual millage levies will be made by the district against said properties based upon the valuation thereof as shown on said roll when ultimately adopted to raise money based on benefit and service for the continuous operation and maintenance of said district;

(5) That at the time of hearing, it will hear all objections filed and will review, adopt, modify, or revise said roll consistent with existing facts to the end that property receiving service and benefit from the facilities of the district shall pay justly and equitably therefor in proportion to benefit received and;

(6) That upon said hearing or adjournments thereof, the board will determine the ultimate facts concerning service and benefit received by all properties ultimately contained in said roll and as to such properties it will adopt the roll in final form and proceed as in this act provided.

SEC. 6. The roll of properties referred to in this act shall contain (1) a description of all properties and improvements thereon, with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the taxing agencies of such county. Such assessed and equalized values shall be deemed prima facie as a just, fair and correct base of value for consideration by the board in its determination ultimately of the just and correct base of value in each instance against which annual millage shall be levied by the district for the operation of the district and the expansion and maintenance of its facilities.

Roll of properties, contents.

If property outside of the territorial limits of the district are upon the roll as adopted ultimately, and the district has prior indebtedness existing, the board shall set up separate millage levies for the retirement thereof until it is extinguished, which levies shall be applied solely against the properties within the territorial limits of the district. Adjustments of the roll shall be made before final adoption in such a manner that the money raised through annual millage levies for maintenance, expansion and operational costs of the district in no instance shall exceed the value of the service rendered or to be rendered and the benefit received and to be received by the property involved.

SEC. 7. When the board causes a property roll to be filed with it and a hearing to be held thereon as

Notice of hearing on property roll—
Publication—
Contents.

provided in this act, it shall give notice of such hearing in the following manner:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing. The board also shall cause a copy of such notice to be mailed in regular course of the federal mail at least thirty days prior to the date of such hearing to the owner or reputed owner of such property at his address, all as shown on the tax rolls or records of the county taxing agencies of the county wherein the property is situated, such notice being deemed adequate and sufficient. The sworn affidavit of the one doing such mailing shall be deemed conclusive of the fact that such notice was mailed.

Such notice shall state the following:

(1) That the board has tentatively determined that the property of the owner or reputed owner named is receiving and will receive service and benefit from the facilities of the district;

(2) That the board has caused a tentative roll of such properties with any improvements thereon which are receiving and will receive such service and benefit to be filed with it; and that such roll shows a base of valuation thereon for said properties against which annual millage will be levied and collected in the same manner as general taxes to pay the fair value of the benefit and service received and to be received by such property through use of the facilities of the district, and to pay the annual cost of operation, development and maintenance of the district and its facilities;

(3). That on a date, time and place stated, the

board will give consideration to the facts and the roll, will hear all objections filed, will review said roll and alter, modify, or change the same consistent with facts established and with equity and fair dealing concerning the properties involved to the end that just levies will be made for service and benefits received and to be received against each property for the purposes mentioned; and at the hearing or continuance thereof, it will adopt the roll in final form and certify and file a copy thereof with the assessor and treasurer of the county wherein the property is located; and will cause annual millage to be levied against such established valuations for the purposes stated.

(4) That all persons desiring to object to the proceedings, to the proposed base valuations, or to any other thing or matter in connection with the proceedings, must file written objections with the board stating clearly the basis of such objection before the time of the hearing, or all objections will be deemed waived.

SEC. 8. Any person, owner or reputed owner having any interest in any property against which the board seeks to make a service and benefit charge under this act, may object thereto. All such objections must be in writing and filed with the board before the hearing is commenced upon the roll containing such properties and must state clearly the grounds of such objection. Objections not made within this time and in this manner shall be deemed conclusively to have been waived.

Objections
against charges
—Filing time.

SEC. 9. The board shall from time to time examine the properties within and without said district, and if it finds tentatively that property, including improvements thereon, has been omitted from the existing roll, or conditions have changed so that there are new properties or additional properties receiving benefit and service from the facilities of

Reexamination
to add to
property roll.

the district without charge, it shall cause from time to time an additional roll of such property to be filed with it and shall proceed in the same manner as provided in this act where the board causes property roll to be filed with it.

Filing of additional or supplemental property roll.

SEC. 10. When any roll or additional or supplemental roll is adopted by the board, a copy thereof shall be certified to and filed with the auditor, the assessor and the treasurer of the county wherein the property contained on said roll is situated. Where the roll is a supplemental or additional roll, it shall supplement the original roll.

Reexamination to eliminate from property roll.

SEC. 11. The board may at any time re-examine the properties on any roll, and upon request of an owner shall do so, and if it is found that the condition of such property or properties has changed so that justly such property should be eliminated from any rolls on file, or the base against which millage is levied should be lowered, it shall so determine and make a supplemental roll with reference to such property or properties. When adopted by it, the board shall certify and file a copy thereof with the auditor, assessor and treasurer of the county wherein the property is situated, and such officer shall alter and change the existing rolls accordingly.

Roll as basis for millage levied.

SEC. 12. The roll certified to the county officers as in this act provided, and any modification thereof as provided, shall serve as the base of benefits as to land, buildings and improvements furnished service and benefit by the systems of the district against which valuations millage shall be levied and collected in the same manner as general taxes from time to time for the continuing functioning of the district and its systems. The millage shall be levied in the manner required by law for millage levies by drainage districts.

SEC. 13. If any property outside of the territorial limits of the district is placed upon a roll as finally adopted, and at the time such property becomes subject to charge for service and benefit from the district's system, there is an existing outstanding indebtedness owing by the district, the board shall make a separate estimate of the revenue required to be raised to pay or apply upon such indebtedness until it is extinguished, and it shall proceed and certify the same as hereinabove provided, and no millage for raising revenue to extinguish such indebtedness shall be included in the levies made against any properties lying outside of the territorial limits of said district.

Separate assessments where district indebtedness.

When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit same to the funds of such district.

Delinquent assessments treated as tax delinquencies.

SEC. 14. In the case of an emergency or disaster not in contemplation at the time of making the annual estimate of costs and declared to be such by resolution of the board, the board may incur additional obligations and issue valid warrants therefor in excess of such estimate in the manner provided by law for issuance of warrants by drainage districts and the servicing thereof, and all such warrants so issued shall be valid as shown upon the then current roll of said district filed with the county auditor.

Emergency expenditures authorized.

SEC. 15. Any district choosing to operate under this act shall not use the processes provided for rais-

Act exclusive as to raising revenue.

ing revenue under any other law: *Provided*, That if for any reason it is deemed more just and advisable by the board, any such other method or process for raising revenue as provided by law may be used concurrently against properties solely within the territorial limits of the district for the sole purpose of extinguishing indebtedness incurred before the district adopts the procedure of this act, in which event no funds raised under this act shall be used to pay such prior indebtedness.

Owners of
lands charged,
elector.

SEC. 16. Whenever lands, or lands with improvements thereon, lying outside of the existing territorial limits of such district are ultimately placed upon the assessment roll of such district in the manner provided by this act so that such lands are subject to maintenance benefits as provided, the owner of such land shall be deemed to be an elector within such district, and shall have the same right to participate in all district affairs and to vote upon all matters submitted to the electors of said district, including that of electing or becoming commissioners for the district, all in the manner provided for voting and elections under existing law pertaining to drainage districts. If such owner is a corporation, one of its duly constituted officers shall be deemed to have the right as an elector to vote on behalf of such corporation.

Proceedings
conclusive
upon adoption
of roll—
Exception.

SEC. 17. Whenever any roll shall have been adopted by the board, the regularity, validity and correctness of the proceedings relating thereto shall be conclusive upon all parties and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll as provided in RCW 85.18.050 and appealing from the action of the board in confirming such roll in the manner and within the time in this act provided. No proceeding of any kind, except proceedings had through the process of appeal as

in this act provided, shall be commenced or prosecuted or may be maintained for the purpose of defeating or contesting any assessment or charge made through levies under this act, or the sale of any property to pay such charges: *Provided*, That a suit in injunction may be brought to prevent collection of charges or assessments or sale of property thereunder upon the following grounds and no other: (1) That the property charged or about to be sold does not appear upon the district roll filed with the county auditor, or (2) the charge or assessment has been paid.

SEC. 18. The decision of the board upon any objection made within the time and in the manner prescribed in this act may be reviewed by the superior court of the county wherein the property in question is located. Any person aggrieved must file his petition for writ of review with the clerk of the superior court wherein the property is located within ten days after the roll affecting such aggrieved party was adopted by resolution, and he shall serve a copy thereof upon the board. The petition shall describe the property in question, set forth the written objections which were made to the decision, give the date of filing of such objections, and shall be signed by such party or someone in his behalf. The court shall forthwith grant such petition if correct as to form and filed in accordance with this section.

Appeal to
superior court
—Procedure.

SEC. 19. Within ten days after the filing of such petition for review, the board, unless the court shall grant additional time, shall file with the clerk of such court its certified transcript containing such portion of the roll as is subject to review, any written objections thereto filed with the board by the petitioner before such roll was adopted, and a copy of the resolution adopting the roll. The filing fee

Transcript
filed by board
—Court fees—
Docketing
case.

shall be a cost recoverable by petitioner against the district.

The clerk of the court shall charge the same filing fees for petitions for review as in other civil actions. The appellant need not file any bond to cause review to be had by the superior court. The court shall, on motion of either party to the cause, with notice to the other party, set the same for hearing and trial without jury at the earliest time available.

Court determination, scope.

SEC. 20. At the trial the court shall determine whether the board has acted within its discretion and has correctly construed and applied the law. If it finds that it has, the findings and decision of the board shall be affirmed; otherwise it shall be reversed or modified. The judgment of the court may change, confirm, correct, or modify the values of the property in question as shown upon the roll, and a certified copy thereof shall be filed with the county auditor, who shall change, modify or correct as and if required.

Appeal to supreme court—Procedure.

SEC. 21. An appeal shall lie to the supreme court from the superior court as in other civil cases: *Provided*, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court on such appeal may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision, if required.

Millage levy returns as assessments for benefits received.

SEC. 22. The millage levy returns collected from time to time under this act are solely assessments for benefits received continuously by the benefited properties, calculated in the manner specified in this act as a just and equitable way for all benefited property to share the expense of such required service.

SEC. 23. The board of any drainage district proceeding under this act shall, on or before the first day of November of each year, make an estimate of the costs reasonably anticipated to be required.

Financial estimate by board, when.

SEC. 24. The rights, powers and duties granted and imposed by this act are supplemental and in addition to any existing rights, powers and duties of drainage districts established under this title.

Act supplemental.

SEC. 25. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the House February 11, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 132.

[H. B. 217.]

STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the Washington State Teachers' Retirement System; and amending section 24, chapter 80, Laws of 1947, as amended by section 7, chapter 274, Laws of 1955 and RCW 41.32.240; amending section 26, chapter 80, Laws of 1947, as amended by section 8, chapter 274, Laws of 1955 and RCW 41.32.260; amending section 34, chapter 80, Laws of 1947, as amended by section 15, chapter 274, Laws of 1955 and RCW 41.32.340; amending section 30, chapter 80, Laws of 1947, as last amended by section 11, chapter 274, Laws of 1955, and RCW 41.32.300; amending section 55, chapter 80, Laws of 1947, as last amended by section 2, chapter 37, Laws of 1959 and RCW 41.32.550; amending section 59, chapter 80, Laws of 1947 and RCW 41.32.590; adding a new section to chapter 41.32 RCW; and providing an effective date.

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

SECTION 1. Section 24, chapter 80, Laws of 1947 as amended by section 7, chapter 274, Laws of 1955

RCW 41.32.240 amended.

and RCW 41.32.240 are each amended to read as follows:

Membership in system—Procedure when exempted person desires membership.

All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership. A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the equivalent of four-fifths or more of a full-time assignment. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be canceled, present proof of service, and make the necessary payment before June 30, 1957; or, if not employed when this act (chapter 274, Laws of 1955) takes effect, before June 30th of the second school year after he reenters public school service. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established.

RCW 41.32.260 amended.

SEC. 2. Section 26, chapter 80, Laws of 1947, as last amended by section 8, chapter 274, Laws of 1955 and RCW 41.32.260 are each amended to read as follows:

Credit for military service—Limitation.

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon pre-

senting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: *Provided*, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war.

SEC. 3. Section 34, chapter 80, Laws of 1947, as last amended by section 15, chapter 274, Laws of 1955 and RCW 41.32.340 are each amended to read follows:

RCW 41.32.340
amended.

Creditable service of a member at retirement shall consist of the membership service rendered by him for which credit has been allowed, and also, if he has a prior service certificate that is in full force and effect, the amount of the service certified on his prior service certificate. No pension payments shall be made for service credits established or reestablished after July 1, 1955, if such credits entitle the member to retirement benefits from any other public state or local retirement system or fund. No pension payments shall be made for service credits established or reestablished after July 1, 1961, if such credits entitle the member to retirement benefits from a public federal retirement system or fund for services rendered under a civilian program.

Creditable
service, what
to consist of.

SEC. 4. Section 55, chapter 80, Laws of 1947, as last amended by section 2, chapter 37, Laws of 1959 and RCW 41.32.550 are each amended to read as follows:

RCW 41.32.550
amended.

Should the board determine from the report of the medical director at the end of a two year disability period that a member's disability will continue, a member who had fifteen years or more of service credit when first granted the temporary disability allowance shall have the option of then receiving all accumulated contributions in a lump sum payment and canceling his membership, or of

Disability
allowance—
Permanent.

accepting a retirement allowance because of disability. If the member elects to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension of four dollars per month for each year of creditable service established, not to exceed thirty-five years of creditable service, but in no event shall the total allowance for disability be less than seventy-five dollars per month. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees.

RCW 41.32.590 amended.

SEC. 5. Section 59, chapter 80, Laws of 1947 and RCW 41.32.590 are each amended to read as follows:

Benefits non-assignable, nontaxable, etc.

The right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

New section.

SEC. 6. A new section is added to chapter 41.32 RCW to read as follows:

Minimum disability benefits set.

Any former member of the retirement system or a former fund receiving a disability retirement allowance on July 1, 1961, shall in lieu of all allowances provided by any former law receive a disability retirement allowance of four dollars per month for each year of creditable service established, not

to exceed thirty-five years of creditable service, but in no event shall the total allowance for disability be less than seventy-five dollars per month.

SEC. 7. Section 30, chapter 80, Laws of 1947, as last amended by section 11, chapter 274, Laws of 1955 and RCW 41.32.300 are each amended to read as follows:

RCW 41.32.300
amended.

Henceforth a total of not more than four years of service outside of the state shall be credited to a member who establishes or reestablishes credit for out-of-state public school employment in this state subsequent to July 1, 1961. Foreign school teaching service, if paid for by public funds of the United States of America, shall be creditable as out-of-state service. No member who establishes out-of-state service credit after July 1, 1947, shall at retirement for pension payment purposes be allowed credit for out-of-state service in excess of the number of years credit which he shall have earned in the public schools of the state of Washington.

Limitation on
credit for
out-of-state
service.

SEC. 8. The provisions of this act shall be effective July 1, 1961.

Effective
date.

Passed the House March 4, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 133.

[H. B. 110.]

CEMETERIES.

AN ACT relating to cemeteries; amending section 30, chapter 290, Laws of 1953 and RCW 68.05.280; and amending section 118, chapter 247, Laws of 1943 as amended by section 4, chapter 290, Laws of 1953, and RCW 68.40.010.

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

RCW 68.05.280 amended.

SECTION 1. Section 30, chapter 290, Laws of 1953, and RCW 68.05.280 are each hereby amended to read as follows:

Exemptions from chapter 68.05 RCW.

The provisions of this chapter do not apply to any of the following: Any religious corporation, church, coroner, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them, any county, town, or city cemetery.

RCW 68.40.010 amended.

SEC. 2. Section 118, chapter 247, Laws of 1943 as amended by section 4, chapter 290, Laws of 1953, and RCW 68.40.010 are each amended to read as follows:

Endowment care cemetery defined.

An endowment care cemetery is one which deposits in its endowment care fund not less than the following amounts for plots sold: Ten percent of the gross sales price, with a minimum of ten dollars for each adult grave; five dollars for each niche; and thirty dollars for each crypt.

The deposits shall be made not later than the twentieth day of the month following the final payment on the sale price.

Any endowment care cemetery hereafter established shall also have deposited in its endowment care fund the additional sum of twenty-five thousand dollars before disposing of any plot or making any sale thereof: *Provided*, That the requirement

of an additional deposit of twenty-five thousand dollars shall not apply to any cemetery in existence on January 1, 1961, having an area not exceeding ten acres.

Passed the House February 20, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 134.

[H. B. 161.]

MOTOR VEHICLES—OUT-OF-STATE OPERATORS' LICENSES.

AN ACT relating to motor vehicles and the licensing of operators thereof; adding one new section to 46.20 RCW; and amending section 46.20.020, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.20.020.

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

SECTION 1. Section 46.20.020, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.20.020 are each amended to read as follows:

RCW 46.20.020 amended.

It shall be unlawful for any person to operate a motor vehicle upon any of the public highways of this state unless such person shall have in his possession a current and valid vehicle operator's license issued on his own application as provided in this chapter. No person shall receive an operator's license unless and until he surrenders to the director all valid operators' licenses in his possession issued to him by any other jurisdiction. All surrendered licenses shall be returned by the director to the issuing officer or department together with information that the licensee is now licensed in this state. No person shall be permitted to have more than one valid operator's license at any time: *Provided*, That no person shall be required to obtain an operator's license for the purpose of driving or operat-

Operator's license required—Exceptions.

ing road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on a public highway: *Provided, further,* That no person in the service of the army, navy, or marine corps or coast guard of the United States or in the service of the national guard of this state or any other state when furnished with their operator's permit and when operating an official motor vehicle in such service shall be required to obtain a vehicle operator's license.

New section.

SEC. 2. There is added to chapter 12, Laws of 1961, and chapter 46.20 RCW a new section to read as follows:

Loss of license in state negates valid out-of-state license.

Any resident or nonresident whose operator's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 135.

[H. B. 173.]

ARMORIES—LEASING.

AN ACT relating to the militia; and providing for the use of certain state armories; and declaring an emergency.

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

SECTION 1. The adjutant general of the state of Washington is authorized to let the field artillery armory in any city of more than three hundred thousand population during the calendar year of 1964, for a period of continuous use by the tenant of not to exceed four months. The fee to be determined by the current schedule of rental charges based on predetermined operating costs in compliance with the provisions of RCW 38.20.010.

Lease of certain armories authorized—Fee.

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

Emergency.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 136.

[H. B. 338.]

ACTIONS AGAINST THE STATE.

AN ACT relating to suits against the state of Washington; and adding a new section to chapter 4.92 RCW.

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

New section.

SECTION 1. There is added to chapter 4.92 RCW a new section to read as follows:

Actions for tortious conduct against state authorized—Venue.

The state of Washington, whether acting in its governmental or proprietary capacity, hereby consents to the maintaining of a suit or action against it for damages arising out of its tortious conduct to the same extent as if it were a private person or corporation. The suit or action shall be maintained in the county in which the cause of action arises: *Provided*, That this section shall not affect any special statute relating to procedure for filing notice of claims against the state or any agency, department or officer of the state.

Passed the House February 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 137.

[S. B. 63.]

CIVIL ACTIONS—SURVIVAL.

AN ACT relating to survival of actions; adding a new section to chapter 4.20 RCW; repealing section 659, page 165, Laws of 1869, section 722, page 146, Laws of 1877, section 718, Code 1881 and RCW 4.20.040; repealing section 1, chapter 73, Laws of 1953 and RCW 4.20.045; repealing section 149, chapter 156, Laws of 1917 and RCW 11.48.100; and repealing section 150, chapter 156, Laws of 1917 and RCW 11.48.110.

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

SECTION 1. There is added to chapter 4.20 RCW New section.
a new section to read as follows:

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether such actions arise on contract or otherwise, and whether or not such actions would have survived at the common law or prior to the date of enactment of this act: *Provided, however,* That no personal representative shall be entitled to recover damages for pain and suffering, anxiety, emotional distress, or humiliation personal to and suffered by a deceased. The liability of property of a husband and wife held by them as community property to execution in satisfaction of a claim enforceable against such property so held shall not be affected by the death of either or both spouses; and a cause of action shall remain an asset as though both claiming spouses continued to live despite the death of either or both claiming spouses. Survival of civil actions.

(2) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his death had not occurred simultaneously

with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

Repeal.

SEC. 2. Section 659, page 165, Laws of 1869, section 722, page 146, Laws of 1877, section 718, Code 1881 and RCW 4.20.040; section 1, chapter 73, Laws of 1953 and RCW 4.20.045; section 149, chapter 156, Laws of 1917 and RCW 11.48.100; section 150, chapter 156, Laws of 1917 and RCW 11.48.110 are each repealed: *Provided*, That all causes of action arising or surviving under any of these statutes prior to the effective date of their repeal shall survive and be enforceable as though these statutes were in full force and effect.

Savings.

Passed the Senate March 5, 1961.

Passed the House March 2, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 138.

[S. B. 11.]

PRISON TERMS AND PAROLES.

AN ACT relating to criminal procedure; and amending section 5, chapter 133, Laws of 1955 and RCW 9.95.040.

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

Finding of fact or special verdict if armed with deadly weapon.

SECTION 1. In every criminal case wherein conviction would require the board of prison terms and paroles to determine the duration of confinement and wherein there has been an allegation and evidence establishing that the accused was armed with a deadly weapon at the time of the commission of the crime, the court shall make a finding of fact of whether or not the accused was armed with a deadly weapon, as defined by RCW 9.95.040, at

the time of the commission of the crime, or if a jury trial is had, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the defendant was armed with a deadly weapon, as defined in RCW 9.95.040, at the time of the commission of the crime.

SEC. 2. Section 5, chapter 133, Laws of 1955 and RCW 9.95.040 are each amended to read as follows:

RCW 9.95.040 amended.

Within six months after the admission of a convicted person to the penitentiary, reformatory, or such other state penal institution as may hereafter be established, the board of prison terms and paroles shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Board to fix duration of confinement—Minimum terms prescribed for certain cases.

The following limitations are placed on the board of prison terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence, to wit:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a

blade longer than three inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of the reformatory, penitentiary or such other penal institution as may hereafter be established, has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least four board members concur in such action: *Provided*, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

Passed the Senate March 2, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 139.

[S. B. 392.]

UTILITIES AND TRANSPORTATION SYSTEMS—
ACQUISITION—EMPLOYEES' BENEFITS.

AN ACT relating to private and public utilities and urban transportation systems; and adding four new sections to chapter 54.04 RCW.

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

SECTION 1. There is added to chapter 54.04 RCW a new section to read as follows:

Whenever any municipal corporation acquires by condemnation or otherwise any utility which at the time of acquisition is in private ownership and the employees of such private utility have been for at least two years and are at the time of acquisition covered by any plan for individual annuity contracts, retirement income policies, group annuity contracts, group insurance for the benefit of employees, or any other contract for the benefit of employees, such district shall, when the personnel is retained by the district, assume all of the obligations and liabilities of the private utility acquired with relation to such plan and the employees covered thereby at the time of acquisition; or the municipal corporation may by agreement with a majority of the employees affected substitute a plan or contract of the same or like nature. The municipal corporations acquiring such private utility shall proceed in such manner as is necessary so as not to reduce or impair any benefits or privileges which such employees would have received or be entitled to had such acquisition not been effected. The district may pay all or any part of the premiums or other payments required therefor out of the revenue derived from the operation of its properties.

New section.

Employee benefit plans of acquired utility to be continued or agreeably substituted.

SEC. 2. There is added to chapter 54.04 RCW a new section to read as follows:

New section.

Employee eligible to join district benefit plan—Service credited—Contributions—Rights.

Any person affected by section 1 of this act who was employed by the private utility at the time of acquisition may, at his option, apply to the district and/or appropriate officers, for admission to any plan available to other employees of the district. Every such person who was covered at the time of acquisition by a plan with the private utility shall have added and accredited to his period of employment his period of immediately preceding continuous service with such private utility if he remains in the service of the municipal corporation until such plan for which he seeks admission becomes applicable to him.

No such person shall have added and accredited to his period of employment his period of service with said private utility unless he or a third party shall pay to the appropriate officer or fund of the plan to which he requests admission his contribution for the period of such service with the private utility at the rate provided in or for such plan to which he desires admission, or if he shall be entitled to any private benefits as a result of such private service, unless he agrees at the time of his employment with the district to accept a reduction in the payment of any benefits payable under the plan to which he requests entry that are based in whole or in part on such added and accredited service by the amount of benefits received. For the purposes of contributions, the date of entry of service shall be deemed the date of entry into service with the private utility, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private utility.

The district may receive such payments from a third party and shall make from such payments

contributions with respect to such prior service as may be necessary to enable it to assume its obligations.

After such contributions have been made and such service added and accredited such employee shall be established in the plan to which he seeks admission with all rights, benefits and privileges that he would have been entitled to had he been a member of the plan from the beginning of his immediately preceding continuous employment with the private utility or of his eligibility.

SEC. 3. There is added to chapter 54.04 RCW a new section to read as follows: New section.

The municipal corporation may enter into any agreements and contracts necessary to carry out the powers and duties prescribed by sections 1 and 2 of this amendatory act, but nothing in this amendatory act shall be so construed as requiring without consent the modification of the obligation of any contract or as requiring any third party to modify the rights, privileges or obligations acquired or incurred under a prior agreement.

District's right
to contract—
Construction
of act.

SEC. 4. Any municipal corporation which has heretofore or shall hereafter acquire from a private owner any urban transportation system which at the time of such acquisition has or had in effect any pension or retirement system for its employees, shall assume all such obligations with respect to continued contributions to and/or administration of, such retirement system, as the private owner bore or shall bear at such time, insofar as shall be necessary to discharge accrued obligations under such retirement system to beneficiaries who are not thereafter made members of a municipal or state retirement system.

Application to
employees of
acquired urban
transportation
system.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 140.

[S. B. 167.]

POLICEMEN—PENSIONS.

AN ACT relating to pensions for widows and children of police department members of cities of the first class; and amending section 2, chapter 78, Laws of 1959 and RCW 41.20.085.

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

RCW 41.20.085
amended.

SECTION 1. Section 2, chapter 78, Laws of 1959, and RCW 41.20.085 are each amended to read as follows:

Pension on
death before
or after
retirement.

Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: *Provided*, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the

share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless he has been married to such officer for a period of at least five years prior to the date of his retirement.

As of July 1, 1961, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of one hundred fifty dollars per month: *Provided*, That such pension shall be reduced by the amount of any pension such surviving spouse may be receiving under social security or any other pension grant.

“Surviving spouse” as used in this section means surviving female spouse.

Passed the Senate February 22, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 141.

[S. B. 459.]

BONDS—STATE—MUNICIPAL CORPORATIONS.

AN ACT relating to bonds of the state and any agency or institution thereof and to bonds of any county, city, district or other political subdivisions of the state; amending sections 1 and 3, chapter 151, Laws of 1923 and RCW 39.44.010 and 39.44.030; amending section 1, chapter 52, Laws of 1941 as amended by section 1, chapter 375, Laws of 1955, and RCW 39.44.100; amending sections 1 and 2, chapter 91, Laws of 1915 and RCW 39.44.110 and 39.44.120; and repealing chapter 20, Laws of 1923 and RCW 28.51.130 and 28.51.140.

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

SECTION 1. Section 1, chapter 151, Laws of 1923 and RCW 39.44.010 are each amended to read as follows:

RCW 39.44.010 amended.

Hereafter all general obligation bonds, including refunding bonds, issued under lawful authority by

Must be serial in form and maturity.

any county, city, town, school district, port district or metropolitan park district, shall be serial in form and maturity and numbered from one upward consecutively. Interest on all such bonds shall be payable either annually or semi-annually, as may be set forth in the act of the officers of the issuing municipal corporation. The various annual maturities of such bonds shall commence two years from date of issue and shall be fixed in the ordinance or resolution authorizing the sale of the same in amounts that will result in a difference of not more than five thousand dollars between the highest and lowest annual payment of principal and interest, excluding the first two years from date of issue, computed on the anticipated effective interest rate such municipal corporation officers shall in their discretion determine will be borne by such bonds. The provisions of this section shall not constitute any limitation on the number of coupon rates of interest or the amount of difference between the highest and lowest interest rates that may be specified by bidders: *Provided*, That such municipal corporate officers may, in their discretion, in the sale proceedings, limit the number of interest rates and the amount of difference between the highest and lowest rates bid: *Provided*, That only bond number one of any issue shall be of a denomination other than a multiple of one hundred dollars.

RCW 39.44.030
amended.

Rate of inter-
est—Sale—
Notice—Bids.

SEC. 2. Section 3, chapter 151, Laws of 1923 and RCW 39.44.030 are each amended to read as follows:

Before any such bonds issued by any such municipal corporation shall be offered for sale the corporate authorities issuing such bonds shall designate the maximum rate of interest said bonds shall bear, which shall not be in excess of that allowed by law. When a vote of the electors shall have been taken on the question of the issuance of such bonds and the proposition submitted to the electors shall

have specified the maximum rate of interest to be borne by said bonds, no increase of such maximum rate of interest shall be made by the corporate authorities. All such bonds, including refunding bonds, shall be sold at public sale, and a notice calling for bids for the purchase of said bonds shall be published once a week for four consecutive weeks in the official newspaper of the municipal corporation offering the bonds for sale, and such other notice shall be given as the corporate authorities may direct; or, if there be no official newspaper of the municipal corporation, the publication shall be made in a newspaper of general circulation in the county in which the corporation is located. Such notice shall specify a place, and designate a day and hour subsequent to the date of the last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. A copy of such notice shall, at least three weeks prior to the date fixed for the sale, be mailed to the state finance committee, Olympia, Washington. The notice shall specify the maturity schedule and the maximum rate of interest such bonds shall bear, and shall require bidders to submit a bid specifying (1) the lowest rate or rates of interest and premium, if any, above par, at which such bidder will purchase said bonds; or (2) the lowest rate or rates of interest at which the bidder will purchase said bonds at par. The bonds shall be sold to the bidder offering to purchase the same at the lowest net interest cost to the issuer over the life thereof, subject to the right of the corporate authorities to reject any and all bids. None of such bonds shall be sold at less than par and accrued interest, nor shall any discount or commission be allowed or paid to the purchaser or purchasers of such bonds. All bids shall be sealed and, except the bid of the state of Washington, if one is received, shall be accompanied by a good faith

deposit of five percent, either in cash or by cashier's or certified check made payable to the issuer, of the amount of the bid, which shall be returned if the bid is not accepted; and if the successful bidder shall fail or neglect to complete the purchase of said bonds by the time specified in the notice of sale for the delivery of said bonds, the amount of his deposit shall be forfeited to the municipal corporation issuing the bonds, and in that event the corporate authorities may accept the bid of the one making the next best bid if such bidder agrees to purchase said bonds under the terms provided in his bid, or if all bids be rejected such corporate authorities, if they decide to reoffer such bonds for sale, shall re-advertise said bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, not less than par and accrued interest, the corporate authorities shall determine by lot which bid will be accepted.

RCW 39.44.100
amended.

SEC. 3. Section 1, chapter 52, Laws of 1941, as amended by section 1, chapter 375, Laws of 1955 and RCW 39.44.100, are each amended to read as follows:

Facsimile sig-
natures on
bonds and
coupons.

On all bonds hereafter issued by the state or any agency thereof or by any county, city, town, municipal corporation, junior taxing district, school district or other political subdivision of the state, the printed, engraved or lithographed facsimile signatures of the officers required by law to sign the bonds or interest coupons thereon shall be sufficient signature on such bonds or coupons: *Provided*, That such facsimile signatures shall not be used on the bonds of issues of less than one hundred thousand dollars par value and may always be used on interest coupons.

Whenever such facsimile signature reproduction of the signature of any officer is used in place of the personal signature of such officer, the issuing

authority shall specify in a written order or requisition to the printer, engraver, or lithographer, the number of bonds or coupons upon which such facsimile signature is to be printed, engraved, or lithographed, and the manner of numbering the bonds or coupons upon which such signature shall be placed. Within ninety days after the completion of the printing, engraving, or lithographing of such bonds or coupons, the plate or plates used for the purpose of affixing the facsimile signature shall be destroyed and it shall be the duty of the issuing authority, within ninety days after receipt of the completed bonds or coupons, to ascertain that such plate or plates have been destroyed.

SEC. 4. Section 1, chapter 91, Laws of 1915, and RCW 39.44.110 are each amended to read as follows:

RCW 39.44.110
amended.

Upon the presentation at the office of the officer or agent hereinafter provided for, any bond that has heretofore been or may hereafter be issued by any county, city, town, port, school district or other municipal corporation in this state, may, if so provided in the proceedings authorizing the issuance of the same, be registered as to principal in the name of the owner upon the books of such municipality to be kept in said office, such registration to be noted on the reverse of the bond by such officer or agent. The principal of any bond so registered shall be payable only to the payee, his legal representative, successors or assigns, and such bond shall be transferable to another registered holder or back to bearer only upon presentation to such officer or agent, with a written assignment duly acknowledged or proved. The name of the assignee shall be written upon any bond so transferred and in the books so kept in the office of such officer or agent.

Registration—
Payment—
Assignment.

SEC. 5. Section 2, chapter 91, Laws of 1915, and RCW 39.44.120 are each amended to read as follows:

RCW 39.44.120
amended.

If so provided in the proceedings authorizing the

Payment of coupon interest.

issuance of any such bonds, upon the registration thereof as to principal, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, may be surrendered to the officer or agent hereinafter provided. Such coupons shall be canceled by such officer or agent, who shall sign a statement endorsed upon such bond of the cancellation of all unmatured coupons and the registration of such bond. Thereafter the interest evidenced by such canceled coupons shall be paid at the times provided therein to the registered holder of such bond in lawful money of the United States of America mailed to his address.

Repeal.

SEC. 6. Chapter 20, Laws of 1923 and RCW 28-51.130 and 28.51.140 are each repealed.

Passed the Senate March 2, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 142.

[S. B. 81.]

ENGINEERING AND LAND SURVEYING.

AN ACT relating to the practice of engineering and land surveying; amending section 1, chapter 297, Laws of 1959 and RCW 18.43.035; amending section 9, chapter 283, Laws of 1947 and RCW 18.43.060; amending section 11, chapter 283, Laws of 1947, as amended by section 5, chapter 297, Laws of 1959, and RCW 18.43.080; amending section 2, chapter 297, Laws of 1959 and RCW 18.43.105; amending section 16, chapter 283, Laws of 1947, as amended by section 7, chapter 297, Laws of 1959, and RCW 18.43.130; and declaring an emergency.

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

RCW 18.43.035 amended.

SECTION 1. Section 1, chapter 297, Laws of 1959 and RCW 18.43.035 are each amended to read as follows:

The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal. Three members of the board shall constitute a quorum for the conduct of any business of the board. The board may employ such persons as are necessary to carry out its duties under this chapter. It may adopt rules and regulations reasonably necessary to administer the provisions of this chapter. It may conduct investigations concerning alleged violations of the provisions of this chapter. In making such investigations and in all proceedings under RCW 18.43.110, the chairman of the board or any member of the board acting in his place may administer oaths or affirmations to witnesses appearing before the board, subpoena witnesses and compel their attendance, and require the production of books, records, papers and documents. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, records, papers or documents so required to be produced, the board may present its petition to the superior court of the county in which such person resides, setting forth the facts, and thereupon the court shall, in any proper case, enter a suitable order compelling compliance with the provisions of this chapter and imposing such other terms and conditions as the court may deem equitable. The board shall submit to the governor an annual report of its transactions of the preceding year, including a complete statement of the receipts and disbursements of the professional engineer's account of the general fund, attested by affidavits of its chairman and secretary. A roster, showing the names and places of business of all registered professional engineers and land surveyors shall also be included in the above men-

Bylaws—Em-
ployees—Rules
—Investiga-
tions—Oaths—
Subpoenas—
Report to
governor.

tioned annual report. Copies of this report shall be mailed to all professional engineers and land surveyors registered under this chapter, and furnished to the public upon request.

RCW 18.43.060
amended.

SEC. 2. Section 9, chapter 283, Laws of 1947 and RCW 18.43.060 are each amended to read as follows:

Examinations.

When oral or written examinations are required, they shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects (such as ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work. The board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that he has passed the examination in fundamental engineering subjects and that his name has been recorded as an engineer-in-training.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing an examination may apply for re-examination at the expiration of six months and will be reexamined without payment of additional fees. Subsequent examinations will be granted upon payment of a fee to be determined by the board.

RCW 18.43.080
amended.

SEC. 3. Section 11, chapter 283, Laws of 1947, as amended by section 5, chapter 297, Laws of 1959, and RCW 18.43.080 are each amended to read as follows:

Certificates of registration and certificates of au-

thorization and renewals thereof shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the director of licenses to notify every person, firm or corporation registered under this chapter, of the date of the expiration of his certificate and the amount of the renewal fee that shall be required for its renewal for one year. Such notice shall be mailed at least thirty days before the end of December of each year. Renewal may be effected during the month of December by the payment of a fee of seven dollars and fifty cents for professional engineer, professional engineer and land surveyor, and seven dollars and fifty cents for land surveyor. In case any professional engineer and/or land surveyor registered under this chapter shall fail to pay the renewal fee hereinabove provided for, within thirty days from the date when the same shall become due, the renewal fee shall be the current fee plus an amount equal to one year's fee.

Expiration and renewal of certificates—Fees, disposition—Professional engineer's account.

All fees provided by RCW 18.43.050 shall be paid into the state general fund. Also the first five dollars of each payment for renewal of a professional engineer certificate and of a professional engineer and land surveyor certificate and the first three dollars of each payment for renewal of a land surveyor's certificate paid under the provisions of RCW 18.43.080 as amended shall be paid into the state general fund, and all sums in excess of these amounts shall be paid into the professional engineers' account of the general fund, which account is hereby established, to be used to carry out the purposes and provisions of RCW 18.43.035, 18.43.110 and 18.43.140.

SEC. 4. Section 2, chapter 297, Laws of 1959 and RCW 18.43.105 are each amended to read as follows:

RCW 18.43.105 amended.

As used in this chapter "misconduct or malprac-

"Misconduct or malpractice in the practice of engineering" defined.

tice in the practice of engineering" shall include but not be limited to the following:

(1) Offering to pay, paying or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;

(2) Being wilfully untruthful or deceptive in any professional report, statement or testimony;

(3) Attempting to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone;

(4) Failure to state separately or to charge separately for professional engineering services or land surveying where other services or work are also being performed in connection with the engineering services;

(5) Conviction in any court of any offense involving moral turpitude;

(6) Violation of any provisions of this chapter;

(7) Conflict of interest—Having a financial interest in bidding for or performance of a contract to supply labor or materials for or to construct a project for which employed or retained as an engineer except with the consent of the client or employer after disclosure of such facts; or allowing an interest in any business to affect a decision regarding engineering work for which retained, employed, or called upon to perform;

(8) Nondisclosure—Failure to promptly disclose to a client or employer any interest in a business which may compete with or affect the business of the client or employer;

(9) Unfair competition—Reducing a fee quoted for prospective employment or retainer as an engineer after being informed of the fee quoted by another engineer for the same employment or retainer;

(10) Improper advertising — Soliciting retainer or employment by advertisement which is undigni-

fied, self-laudatory, false or misleading, or which makes or invites comparison between the advertiser and other engineers;

(11) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing professional engineering or land surveying.

SEC. 5. Section 16, chapter 283, Laws of 1947, as amended by section 7, chapter 297, Laws of 1959, and RCW 18.43.130 are each amended to read as follows:

RCW 18.43.130
amended.

This chapter shall not be construed to prevent or affect:

Excepted
services—Fees.

(1) The practice of any other legally recognized profession or trade; or

(2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: *Provided*, Such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter; or

(3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: *Provided*, That such person is legally qualified by registration to practice engineering or land surveying in his own state or coun-

try in which the requirements and qualifications of obtaining a certificate of registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: *Provided*, Such work does not include final design or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: *Provided*, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for said government; or

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering in this state by a corporation or joint stock association: *Provided*, That

(a) Such corporation shall file with the board an application for certificate of authorization upon

a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with the provisions of this chapter to practice engineering in this state;

(b) Such corporation shall file with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: *Provided*, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) Such corporation shall file with the board a designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes;

(d) Upon the filing with the board of the application for certificate for authorization, certified copy of resolution, affidavit and designation of persons specified in subparagraphs (a), (b), and (c) of this section the board shall issue to such corporation a certificate of authorization to practice engineering

in this state upon a determination by the board (1) that:

(i) The by-laws of the corporation contain provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the specified engineer in responsible charge, or other responsible engineers under his direction or supervision;

(ii) The application for certificate of authorization states the type, or types, of engineering practiced, or to be practiced by such corporation;

(iii) A current certified financial statement accurately reflecting the financial condition of the corporation has been filed with the board and is available for public inspection;

(iv) The applicant corporation has the ability to provide through qualified engineering personnel, professional services or creative work requiring engineering experience, and that with respect to the engineering services which the corporation undertakes or offers to undertake such personnel have the ability to apply special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects;

(v) The application for certificate of authorization states the professional records of the designated person or persons who shall be in responsible charge of each project and each major branch of engineering activities in which the corporation shall specialize;

(vi) The application for certificate of authorization states the experience of the corporation, if any,

in furnishing engineering services during the preceding five year period and states the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington;

(vii) The applicant corporation meets such other requirements related to professional competence in the furnishing of engineering services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter; and

(2) upon a determination by the board based upon an evaluation of the foregoing findings and information that the applicant corporation is possessed of the ability and competence to furnish engineering services in the public interest.

The board may in the exercise of its discretion refuse to issue or may suspend and/or revoke a certificate of authorization to a corporation where the board shall find that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has committed misconduct or malpractice as defined in RCW 18.43.105 or has been found personally responsible for misconduct or malpractice under the provisions of subsections (f) and (g) hereof.

The certificate of authorization shall specify the major branches of engineering of which the corporation has designated a person or persons in responsible charge as provided in subsection (8) (c) of this section.

(e) In the event a corporation, organized solely by a group of engineers, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to such corporation based on a review of the professional records of such incorporators, in lieu of the

required qualifications set forth in this subsection. In the event the ownership of such corporation shall be altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively engineers or, otherwise, under the qualifications required by subparagraphs (a), (b), (c) and (d) hereof.

(f) Any corporation authorized to practice engineering under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual registered engineer, and must conduct its business without misconduct or malpractice in the practice of engineering as defined in this chapter.

(g) Any corporation which has been duly certified under the provisions of this chapter and has engaged in the practice of engineering shall have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board shall find that the corporation has committed misconduct or malpractice as defined in RCW 18.43.105. In such case any individual engineer holding a certificate or registration under this chapter, involved in such malpractice or misconduct, shall have his certificate of registration suspended or revoked also.

(h) All plans, specifications, designs and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under the provisions of this subsection (8) of this section there shall be paid an initial fee of five hundred dollars and an annual renewal fee of one

hundred dollars, which sums shall be paid into the professional engineers' account of the general fund.

(9) The practice of engineering and/or land surveying in this state by partnership: *Provided*, That

(a) A majority of the members of the partnership are engineers or architects or land surveyors duly certificated by the state of Washington or by a state, territory, possession, district or foreign country meeting the reciprocal provisions of RCW 18.43.100: *Provided*, That at least one of the members is a professional engineer or land surveyor holding a certificate issued by the director of licenses under the provisions of RCW 18.43.070; and

(b) Except where all members of the partnership are professional engineers or land surveyors or a combination of professional engineers and land surveyors or where all members of the partnership are either professional engineers or land surveyors in combination with an architect or architects all of which are holding certificates of qualification therefor issued under the laws of the state of Washington, the partnership shall file with the board an instrument executed by a partner on behalf of the partnership designating the persons responsible for the practice of engineering by the partnership in this state and in all other respects such person so designated and such partnership shall meet the same qualifications and shall be subject to the same requirements and the same penalties as those pertaining to corporations and to the responsible persons designated by corporations as provided in subsection (8) of this section.

For each certificate of authorization issued under the provisions of this subsection (9) of this section there shall be paid an initial fee of one hundred dollars and an annual renewal fee of twenty-five dollars, which sum shall be paid into the professional engineers' account of the general fund.

Severability.

SEC. 6. If any section of this act or part thereof shall be adjudged unconstitutional or invalid, such adjudication shall not invalidate any other provision or provisions thereof.

Emergency.

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

Passed the Senate March 7, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 143.

[S. B. 338.]

TAXATION—LIMITATION OF LEVIES—
FORTY MILL LIMIT.

AN ACT relating to revenue and taxation; and amending section 84.52.050, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 84.52.050.

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

RCW 84.52.050 amended.

SECTION 1. Section 84.52.050, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 84.52.050 are each amended to read as follows:

Limitation of levies—"Forty mill" limit.

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state; the levy by any county shall not exceed eight mills; the levy

by or for any school district shall not exceed fourteen mills: *Provided*, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: *Provided further*, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: *Provided further*, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills: *Provided further*, That counties of the fourth and the ninth class are hereby authorized to levy nine mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 144.

[S. B. 552.]

COUNTY HOSPITALS—STATE PAYMENTS.

AN ACT relating to county hospitals; amending section 1, chapter 256, Laws of 1951 and RCW 36.62.252; and amending section 4, chapter 256, Laws of 1951 and RCW 36.62.280.

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

RCW 36.62.252 amended.

SECTION 1. Section 1, chapter 256, Laws of 1951 and RCW 36.62.252 are each amended to read as follows:

County hospital fund—Establishment.

Every county which maintains a county hospital shall establish a "county hospital fund" into which fund shall be deposited moneys received from any source for hospital care including funds from the state department of public assistance to cover the total cost of providing medical care to recipients of public assistance and other persons without income and resources sufficient to secure them who are assigned by the department of public assistance to county hospital for treatment. Obligations incurred from such hospitalization shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners and the state department of public assistance a monthly report of receipts and disbursements in the county hospital fund which report shall also show balance of cash on hand.

RCW 36.62.280 amended.

SEC. 2. Section 4, chapter 256, Laws of 1951 and RCW 36.62.280 are each amended to read as follows:

Payments and advances from department of public assistance—Reimbursement.

Payments from the state department of public assistance shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1959-1961 state fiscal biennium, each county which received an advance from the department of public assistance for the calendar year 1961 shall return

the amount of such advance by county warrant or treasurer's check to the department. At the beginning of the 1961-1963 state fiscal biennium and conditioned upon recovery of the advance made for the calendar year 1961, the state department of public assistance shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in the county hospital for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual cost of operation shall be made monthly by the state department of public assistance to the counties.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 145.

[S. B. 25.]

PROBATION OFFICERS—STATE AID.

AN ACT relating to probation officers and services; and amending section 5, chapter 331, Laws of 1959 (uncodified); section 11, chapter 331, Laws of 1959 (uncodified) and making an appropriation.

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

SECTION 1. Section 5, chapter 331, Laws of 1959 (uncodified) is amended to read as follows:

In cases of emergency, financial hardship, or extreme need for probation services, the director

1959 c 331 § 5
amended.

Increased state
aid authorized.

may increase the percentage of state aid to an eligible county up to fifty percent for reimbursement of expenditures incurred in accordance with the provision of section 4, chapter 331, Laws of 1959: *Provided*, That any increase shall not be in effect for a period exceeding two years. The director shall lower such increased percentage when the circumstances requiring the increase cease to exist.

1959 c 331 § 11 amended.

SEC. 2. Section 11, chapter 331, Laws of 1959 (uncodified) is amended to read as follows:

1959 c 331 §§ 1-8, temporary.

Sections 1 through 8, inclusive, chapter 331, Laws of 1959 (uncodified) are hereby declared to be temporary and shall terminate and expire on April 1, 1963.

Appropriation.

SEC. 3. There is hereby appropriated from the general fund of the state treasury to the probation services account, to be used by the director of institutions as provided by law, the sum of thirty-five thousand dollars, or so much thereof as may be necessary.

Passed the Senate March 9, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 146.

[S. B. 148.]

CRIMES—OBSCENE MATERIALS.

AN ACT relating to crimes and punishment; and amending section 118, page 96, Laws of 1854 as last amended by section 1, chapter 260, Laws of 1959 and RCW 9.68.010.

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

RCW 9.68.010 amended.

SECTION 1. Section 118, page 96, Laws of 1854 as last amended by section 1, chapter 260, Laws of 1959, and RCW 9.68.010 are each amended to read as follows:

Every person who—

(1) Having knowledge of the contents thereof shall exhibit, sell, distribute, display for sale or distribution, or having knowledge of the contents thereof shall have in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph, motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object or thing which is obscene; or

(2) Having knowledge of the contents thereof shall cause to be performed or exhibited, or shall engage in the performance or exhibition of any show, act, play, dance or motion picture which is obscene;

Shall be guilty of a gross misdemeanor.

Passed the Senate March 9, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 16, 1961.

Obscene literature, shows, etc.—Penalty.

CHAPTER 147.

[S. B. 319.]

LIQUOR—TRANSFER OF AGE IDENTIFICATION TO MINOR.

AN ACT relating to the sale of alcoholic beverages; defining a crime; and providing penalties.

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

SECTION 1. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor: *Provided*, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

Transfer of age identification, misdemeanor.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 148.

[H. B. 354.]

LIVESTOCK BRANDS.

AN ACT relating to the identification of livestock; and amending section 8, chapter 54, Laws of 1959 and RCW 16.57.080; and declaring an emergency.

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

RCW 16.57.080
amended.

SECTION 1. Section 8, chapter 54, Laws of 1959 and RCW 16.57.080 are each amended to read as follows:

Brand renewal
—Fee—Effect
of failure.

The director shall, on or before the first day of September 1960, and every five years thereafter, notify by letter the owners of brands then of record, that on the payment of two dollars and application of renewal, the director shall issue a renewal receipt granting the brand owner exclusive ownership and use of such brand for another five year period. Failure of the registered owner to pay the renewal fee within six months shall cause the director to notify the registered owner by certified mail at his last known address. The failure of the registered owner to pay the renewal fee within three months after notification by certified mail shall cause such owner's brand to become a part of the public domain: *Provided*, That for a period of three years following such reversion to the public domain, the brand shall not be reissued to any person other than the registered owner.

Emergency.

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

Passed the House February 9, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 149.

[H. B. 687.]

CENTURY 21—MUNICIPAL CORPORATION
PARTICIPATION.

AN ACT relating to world fairs or expositions and the participation of the political subdivisions and municipal corporations of the state therein; authorizing the acquisition and disposal of real or personal property by purchase, lease, or otherwise; authorizing the construction, improvement, maintenance, equipping, and disposal of buildings or other structures; declaring a purpose; authorizing appropriations be made; providing financing procedures; repealing chapter 39, Laws of 1961; and declaring an emergency.

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

SECTION 1. "Municipality" as used in this act, means any political subdivision or municipal corporation of the state.

"Municipality" defined.

SEC. 2. The participation of any municipality in any world fair or exposition, whether held within the boundaries of such municipality or within the boundaries of another municipality; the purchase, lease, or other acquisition of necessary lands therefor; the acquisition, lease, construction, improvements, maintenance, and equipping of buildings or other structures upon such lands or other lands; the operation and maintenance necessary for such participation, and the exercise of any other powers herein granted to such municipalities, are hereby declared to be public, governmental, county and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property acquired, constructed, improved, maintained, equipped, used, and disposed of by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired, constructed, improved, maintained, equipped, used, and disposed of for public, governmental, county, and municipal purposes and as a matter of public necessity.

Legislative declaration—Municipal participation in fairs as public purpose.

Participation
in fairs author-
ized—Powers
incident to—
Financing.

SEC. 3. Municipalities are authorized to participate in any world fair or exposition to be held within the state by the state or any political subdivision or municipal corporation thereof, whether held within the boundaries of such municipality or within the boundaries of another municipality. Any municipality so participating is authorized, through its governing authorities, to purchase, lease, or otherwise acquire property, real or personal; to construct, improve, maintain and equip buildings or other structures; and expend moneys for investigations, planning, operations, and maintenance necessary for such participation.

The cost of any such acquisition, construction, improvement, maintenance, equipping, investigations, planning, operation, or maintenance necessary for such participation may be paid for by appropriation of moneys available therefor, gifts, or wholly or partly from the proceeds of bonds of the municipality, as the governing authority of the municipality may determine.

Bonds, form
and type.

SEC. 4. Any bonds to be issued by any municipality pursuant to the provisions of section 3 of this act, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law: *Provided*, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues.

Appropriations
and taxation
for fair pur-
poses
authorized.

SEC. 5. The governing bodies having power to appropriate moneys within such municipalities for the purpose of purchasing, leasing or otherwise acquiring property, constructing, improving, maintaining, and equipping buildings or other structures, and the investigations, planning, operation or maintenance necessary to participation in any such world fair or

exposition, are hereby authorized to appropriate and cause to be raised by taxation or otherwise in such municipalities, moneys sufficient to carry out such purpose.

SEC. 6. In any case where the participation of a municipality includes the construction of buildings or other structures on lands of another municipality, the governing authorities constructing such buildings or structures shall endeavor to cooperate with such other municipality for the construction and maintenance of such buildings or structures to a standard of health and safety common in the county where the world fair or exposition is being or will be held; and shall cooperate with such other municipality in any comprehensive plans it may promulgate for the general construction and maintenance of said world fair or exposition and utilization of the grounds and buildings or structures after the conclusion of such world fair or exposition to the end that a reasonable, economic use of said buildings or structures shall be returned for the life of said buildings or structures.

Standards for construction—Disposition of property authorized.

The governing authorities of any municipality are hereby authorized and empowered to sell, exchange, transfer, lease or otherwise dispose of any property, real or personal, acquired or constructed for the purpose of participation in such fair or exposition, in accordance with the provisions of RCW 39.33.010.

SEC. 7. The powers and authority conferred upon municipalities under the provisions of this act, shall be construed as in addition and supplemental to powers or authority conferred by any other law, and nothing contained herein shall be construed as limiting any other powers or authority of such municipalities.

Act supplemental.

SEC. 8. Chapter 39, Laws of 1961 is hereby repealed.

Repeal.

Severability.

SEC. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

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

Passed the House March 1, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 150.

[H. B. 388.]

FIDUCIARY SECURITY TRANSFERS.

AN ACT relating to securities; defining terms; providing for the simplification of fiduciary transfers; defining powers and duties and repealing chapter 159, Laws of 1947, and RCW 21.16.

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

SECTION 1. *Definitions.* In this act, unless the context otherwise requires:

(1) "Assignment" includes any written stock power, bond power, bill of sale, deed, declaration of trust or other instrument of transfer.

(2) "Claim of beneficial interest" includes a claim of any interest by a decedent's legatee, distributee, heir or creditor, a beneficiary under a trust, a ward, a beneficial owner of a security registered in the name of a nominee, or a minor owner of a security registered in the name of a custodian, or a claim of any similar interest, whether the claim is asserted by the claimant or by a fiduciary or by any other authorized person on his behalf, and includes

a claim that the transfer would be in breach of fiduciary duties.

(3) "Corporation" means a private or public corporation, association or trust issuing a security.

(4) "Fiduciary" means an executor, administrator, trustee, guardian, committee, conservator, curator, tutor, custodian or nominee.

(5) "Person" includes an individual, a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(6) "Security" includes any share of stock, bond, debenture, note or other security issued by a corporation which is registered as to ownership on the books of the corporation.

(7) "Transfer" means a change on the books of a corporation in the registered ownership of a security.

(8) "Transfer agent" means a person employed or authorized by a corporation to transfer securities issued by the corporation.

SEC. 2. *Registration in the name of a fiduciary.* A corporation or transfer agent registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship, and thereafter the corporation and its transfer agent may assume without inquiry that the newly registered owner continues to be the fiduciary until the corporation or transfer agent receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

SEC. 3. *Assignment by a fiduciary.* Except as otherwise provided in this act, a corporation or

transfer agent making a transfer of a security pursuant to an assignment by a fiduciary

(1) may assume without inquiry that the assignment, even though to the fiduciary himself or to his nominee, is within his authority and capacity and is not in breach of his fiduciary duties;

(2) may assume without inquiry that the fiduciary has complied with any controlling instrument and with the law of the jurisdiction governing the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(3) is not charged with notice of and is not bound to obtain or examine any court record or any recorded or unrecorded document relating to the fiduciary relationship or the assignment, even though the record or document is in its possession.

SEC. 4. *Evidence of appointment or incumbency.*

A corporation or transfer agent making a transfer pursuant to an assignment by a fiduciary who is not the registered owner shall obtain the following evidence of appointment or incumbency:

(1) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the transfer; or

(2) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the corporation or transfer agent to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the corporation or transfer agent to be appropriate. Corporations and transfer agents may adopt standards with respect to evidence of appointment or incumbency under this subsection (2) provided such standards are not manifestly unreasonable. Neither the corporation nor transfer agent is charged with notice of

the contents of any document obtained pursuant to this subsection (2) except to the extent that the contents relate directly to the appointment or incumbency.

SEC. 5. *Adverse claims.* (1) A person asserting a claim of beneficial interest adverse to the transfer of a security pursuant to an assignment by a fiduciary may give the corporation or transfer agent written notice of the claim. The corporation or transfer agent is not put on notice unless the written notice identifies the claimant, the registered owner and the issue of which the security is a part, provides an address for communications directed to the claimant and is received before the transfer. Nothing in this act relieves the corporation or transfer agent of any liability for making or refusing to make the transfer after it is so put on notice, unless it proceeds in the manner authorized in subsection (2).

(2) As soon as practicable after the presentation of a security for transfer pursuant to an assignment by a fiduciary, a corporation or transfer agent which has received notice of a claim of beneficial interest adverse to the transfer may send notice of the presentation by registered or certified mail to the claimant at the address given by him. If the corporation or transfer agent so mails such a notice it shall withhold the transfer for thirty days after the mailing and shall then make the transfer unless restrained by a court order.

SEC. 6. *Nonliability of corporation and transfer agent.* A corporation or transfer agent incurs no liability to any person by making a transfer or otherwise acting in a manner authorized by this act.

SEC. 7. *Nonliability of third persons.* (1) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the

signature of the fiduciary is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with actual knowledge that the proceeds of the transaction were being or were to be used wrongfully for the individual benefit of the fiduciary or that the transaction was otherwise in breach of duty.

(2) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of this act incurs no liability.

(3) This section does not impose any liability upon the corporation or its transfer agent.

SEC. 8. *Territorial application.* (1) The rights and duties of a corporation and its transfer agents in registering a security in the name of a fiduciary or in making a transfer of a security pursuant to an assignment by a fiduciary are governed by the law of the jurisdiction under whose laws the corporation is organized.

(2) This act applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this state in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this state the signature of a fiduciary in connection with such a transaction.

SEC. 9. *Tax obligations.* This act does not affect any obligation of a corporation or transfer agent with respect to estate, inheritance, succession or other taxes imposed by the laws of this state.

SEC. 10. *Uniformity of interpretation.* This act shall be so construed as to effectuate its general pur-

pose to make uniform the law of those states which enact it.

SEC. 11. *Short title.* This act may be cited as the Uniform Act for Simplification of Fiduciary Security Transfers.

SEC. 12. Chapter 159, Laws of 1947, and chapter 21.16 RCW are hereby repealed. Repeal.

Passed the House February 26, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 151.

[H. B. 272.]

MOTOR VEHICLES—ROADWAY CLEARANCE—PARKING.

AN ACT relating to motor vehicles; adding two new sections to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.56 RCW; and providing a penalty.

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

SECTION 1. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and to chapter 46.56 RCW two new sections to read as follows: New sections.

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway. Auto clearance minimum from roadway surface set.

Any person violating the provisions of this section shall be guilty of a misdemeanor. Penalty.

SEC. 2. It shall be unlawful for any person, while operating or in charge of a vehicle, to park or wilfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving Parking car leaving motor running with minor therein unlawful.

a minor child or children under the age of sixteen years unattended therein.

Penalties.

Any person violating the provisions of this section shall be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of the provisions of this section, the court shall, in addition to such fine or imprisonment as provided by law, revoke the operator's license of such person.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 152.

[S. B. 456.]

WORLD FAIR—POWERS—ADDITIONAL BONDS.

AN ACT relating to the department of commerce and economic development, the world fair commission and the production of a world fair or exposition; authorizing the issuance and sale of limited obligation bonds and making an appropriation; amending sections 1, 2 and 3, chapter 174, Laws of 1957 and RCW 43.31.500 through RCW 43.31.520; section 1, chapter 310, Laws of 1959 and RCW 43.31.525; section 2, chapter 307, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1959 and RCW 43.96.020; adding thirteen new sections to chapter 174, Laws of 1957 and chapter 43.31 RCW; and declaring an emergency.

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

RCW 43.31.500
amended.

SECTION 1. Section 1, chapter 174, Laws of 1957 and RCW 43.31.500 are each amended to read as follows:

Declaration of
purpose.

The department of commerce and economic development has been created to accelerate the orderly growth of the economy of the state and to increase its commerce and the economic well-being of its citizens. The Alaska-Yukon-Pacific Exposition held in Seattle in 1909 did much to foster the development of the state to the position of its eminence which it

now enjoys. In the nearly half a century which has elapsed since the Alaska-Yukon-Pacific Exposition, this state has progressed markedly in agriculture, trade, and manufacturing, and the University of Washington on whose site the exposition was held has become one of the great universities of the world. It is therefore fitting that another exposition be held in the state of Washington and that the department of commerce and economic development be authorized to acquire a site and buildings, equipment and appurtenances thereto, suitable for an exposition and for other state purposes, and that the department, with the approval of the commission, be authorized to program, promote and produce a world fair or exposition that will be of economic benefit to the state and all of its citizens.

The department shall cooperate with the world fair commission to the end that the exposition to be conducted by the world fair commission shall become a memorable success.

SEC. 2. Section 2, chapter 174, Laws of 1957 and RCW 43.31.510 are each amended to read as follows:

RCW 43.31.510 amended.

The acquisition and development of a site and the purchase, construction, or acquisition by any lawful means of buildings, equipment and appurtenances therefor, suitable for use for a world fair or exposition and for the future use by the state in promoting and fostering its commerce and economic development, and the construction of any structures necessary for the development of exhibits and the programing, promotion and successful production of the world fair or exposition is declared to be a state purpose.

Acquisition, construction and development of site and buildings, state purpose.

SEC. 3. Section 3, chapter 174, Laws of 1957 and RCW 43.31.520 are each amended to read as follows:

RCW 43.31.520 amended.

The department of commerce and economic development is authorized and directed, in the furtherance of the purposes for which it was created, and in

Departmental activities authorized—Approval of fair commission.

furtherance of the purposes of RCW 43.31.500 through 43.31.650, and the provisions of this act, to acquire a site in the city of Seattle in the vicinity of the civic center and to develop the same and to construct or otherwise acquire buildings or any other necessary structures together with such furnishings, equipment and appurtenances as may be required, for use for a world fair or exposition and for such use thereafter as shall promote and foster the commerce and economic development of this state.

The department, with the authorization of the world fair commission, is further directed to undertake such activities as are deemed necessary to effectuate the purposes of this act, to the end that a successful world fair or exposition is produced.

The department is further authorized to make all necessary plans and surveys for such acquisition and construction, and any such plans shall be subject to the approval of the world fair commission.

RCW 43.31.525
amended.

Department
authorized to
dispose of
property—
Consideration
—Deposit of
proceeds.

SEC. 4. Section 1, chapter 310, Laws of 1959 and RCW 43.31.525 are each amended to read as follows:

The department of commerce and economic development, with the approval of the commission, is authorized to sell or otherwise dispose of any property acquired or constructed by it under the provisions of RCW 43.31.500 through 43.31.650: *Provided*, That the sale price, or valuable consideration to be received with or without interest, shall not be less than one hundred percent of the purchase price of the real property acquired by the state for fair purposes and fifty percent of the construction cost of the principal state building constructed for world fair or exposition use by the department: *Provided further*, That proceeds of the sale as herein provided shall be deposited in the world fair bond redemption fund created under the provisions of RCW 43.31.620.

RCW 43.96.020
amended.

SEC. 5. Section 2, chapter 307, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1959

and RCW 43.96.020 are each amended to read as follows:

There is created the world fair commission to consist of fifteen members to be selected as follows: Five by the governor, of whom one shall be designated by the governor as chairman of the commission, four by the president of the senate and four by the speaker of the house of representatives, to serve until April 30, 1963, the lieutenant governor and one member of the Seattle City Council, to be appointed by the Seattle City Council. The commission shall serve without compensation and shall meet at such time as it is called by the governor or by the chairman of the commission.

World fair commission created—Compensation, term, compensation, meetings.

SEC. 6. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

New section.

Increased costs for the erection of necessary structures and for the programing, promotion and production of the world fair or exposition since the enactment of the world fair bond issue authorized by the 1957 legislature makes necessary additional money with which to take the necessary steps to insure the successful production of the world fair or exposition.

Declaration of need for additional moneys.

SEC. 7. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

New section.

To provide additional funds for the programing, promotion and production of the world fair or exposition in addition to bonds authorized to be sold by RCW 43.31.550 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. Issuance, sale and retirement of the bonds shall be under the general supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for issuance of coupon or registered bonds to be dated, issued and sold at such time or

Bonds authorized—Form—State finance committee to administer issuance, etc.

times in such amount or amounts as may be necessary to finance the program as authorized under this act. Each bond shall be made payable at any time not exceeding thirty years from the date of issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be payable at such places and in such denominations as the state finance committee may prescribe.

New section.

SEC. 8. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

Bonds—Fac-
simile signa-
ture—Seal—
Negotiable.

Bonds shall be signed either manually or with a printed facsimile signature by the governor and the state auditor under the seal of the state, and any coupons attached to the bonds shall be signed by the same officers, whose signatures thereon may be in printed facsimile.

All such bonds shall be fully negotiable.

New section.

SEC. 9. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

Bonds—Sale
of, restriction
—As legal in-
vestment for
public funds.

The bonds may be sold in such manner and amounts, at such times, and on such terms and conditions as the state finance committee may prescribe: *Provided*, That if the bonds are sold to any persons other than the state of Washington, they shall be sold at public sale, and the state finance committee shall cause the sale to be advertised in such manner as it deems sufficient.

The bonds shall be sold for not less than par value.

The bonds shall be a legal investment for all state funds (except the permanent school fund) or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

SEC. 10. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows: New section.

Any of such 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 City, as to principal alone or as to both principal and interest, under such regulations as the state treasurer may prescribe. Bonds—Registration of.

SEC. 11. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows: New section.

Bonds issued under the provisions of this act shall distinctly state that they are not a general obligation of the state of Washington, but are payable in the manner provided in this act from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937 as now or hereafter amended. The bonds and interest thereon shall, so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon the portion of the corporation fees so collected and deposited to the credit of the world fair bond redemption fund as provided in RCW 43.31.620. Bonds—Source of payment—Claim on.

SEC. 12. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows: New section.

All moneys arising from the sale of such bonds shall be deposited in the special fund in the state treasury known as the world fair fund created pursuant to RCW 43.31.600. Such moneys shall be available only for the purpose of programing, promoting and production of the world fair or exposition, and for the payment of the expenses incurred in the printing, issuance and sale of such bonds. The state Disposition of moneys from sale of bonds.

finance committee is authorized to invest the proceeds from the sale of such bonds in short term securities: *Provided*, That such investment will not impede the orderly progress of the project authorized by this act. The interest from such investments shall be deposited to the credit of the world fair bond redemption fund.

New section. SEC. 13. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

Appropriation. For the purposes of carrying out the provisions of sections one through eighteen of this act there is hereby appropriated to the state department of commerce and economic development from the world fair fund the sum of three million dollars.

New section. SEC. 14. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

State undertaking to provide for bond redemption. As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to place one-half of the proceeds of such fees in the world fair bond redemption fund, heretofore created as a special fund within the state treasury, and to make the fund available to meet payments when due until all of the bonds and interest thereon have been paid.

New section. SEC. 15. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows:

General authorization of powers. The department of commerce and economic development, the officials thereof and all state officials and members of the world fair commission are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers

conferred upon them respectively by law regarding the production of the world fair or exposition in Seattle.

SEC. 16. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows: New section.

The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized herein and the provisions of this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington. Bond redemption means not exclusive.

SEC. 17. There is hereby added to chapter 174, Laws of 1957 and chapter 43.31 RCW a new section to read as follows: New section.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as provided in RCW 43.31.620 and by the provisions of this act. Court action authorized.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate March 5, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 153.

[Sub. H. B. 30.]

FLOOD CONTROL ZONE DISTRICTS.

AN ACT enlarging the powers of counties to control flood waters; authorizing counties to create flood control zone districts; vesting such flood control zone districts with all the powers available to counties to control flood waters; authorizing the levy, assessment and collection of taxes and the issuing of bonds; and declaring an emergency.

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

SECTION 1. *Definitions.* As used in this act the following words shall mean:

“Board.” The board of county commisioners of any county, or the county commissioners, serving as ex officio board of supervisors of any zone or zones;

“Flood control improvement.” Any works, projects, or other facilities necessary for the control of flood waters within the county or any zone or zones;

“Flood waters.” Any storm waste or surplus waters wherever located within the county or a zone or zones where such waters endanger public highways, streams and water courses, harbors, life or property;

“Participating zones.” Two or more zones found to benefit from a single flood control improvement;

“Zones.” Flood control zone districts which shall be municipal corporations of the state of Washington created by this act.

SEC. 2. *Zones—Creation.* The board may initiate, by affirmative vote of a majority of the board, the creation of a zone or additional zones within the county, and without reference to an existing zone or zones, for the purpose of undertaking, operating, or maintaining flood control projects or groups of projects which are of special benefit to specified areas of the county. Formation of a zone may also be initiated by a petition signend by twenty-five

percent of the electors within a proposed zone based on the vote cast in the last county general election. If the formation of the zone is initiated by petition, the board shall incorporate the terms of such petition in a resolution within forty days after receiving such petition from the county auditor. Thereafter, the procedures for establishing a zone shall be the same whether initiated by motion of the board or by a petition of electors.

Petitions shall be in a form prescribed and approved by the county auditor and shall include the necessary legal descriptions and other information necessary for establishment of a zone by resolution. When the sponsors of a petition have acquired the necessary signatures, they shall present the petition to the county auditor who shall thereafter certify the sufficiency of such petition within forty-five days. If the petition is found to meet the requirements specified herein the auditor shall transmit the same to the board for their action; if the petition fails to meet the requirements of this act, it shall be returned to the sponsors thereof.

SEC. 3. *Zones — Formation, hearing and notice.* Upon receipt of a petition asking that a zone be created, or upon motion of the board, the board shall adopt a resolution which shall describe the boundaries of such proposed zone; describe in general terms the flood control needs or requirements within the zones; set a date for public hearing upon the creation of such zone, which shall be not more than thirty days after the adoption of such resolution. Notice of such hearing and publication shall be had in the manner provided in RCW 36.32.120 (7).

At the hearing scheduled upon the resolution, the board shall permit all interested parties to be heard. Thereafter, the board may reject the resolution or it may modify the boundaries of such zone and make other corrections or additions to the resolu-

tion as they deem necessary to the accomplishment of the purpose of this act: *Provided*, That if the boundaries of such zone are enlarged, the board shall hold an additional hearing following publication and notice of such new boundaries: *Provided further*, That the boundaries of any zone shall generally follow the boundaries of the watershed area affected.

Within ten days after final hearing on a resolution, the board shall issue its order.

SEC. 4. *Limitation on the formation of zones.* Any zone to be created pursuant to this act which includes lands located within the limits of any city or town or flood control district shall, prior to its creation, be approved by the legislative body of such city, town or district: *Provided*, That unless such city or town or district legislative body approves or disapproves the creation of such zone within one hundred and twenty days after receiving a request for approval from the board, it shall be conclusively presumed that such legislative body approves the creation of such zone: *Provided further*, That if within ninety days following legislative approval or disapproval ten percent of the electors of such city, town or district, file with the county auditor a petition requesting an election, such city, town or district shall conduct an election within its limits to determine if the residents of such city, town or district wish to be included within or excluded from such zone. The results of such election shall be binding, and the cost of such election shall be borne by the city, town or district.

SEC. 5. *Zones — Governing body.* The board of county commissioners of each county shall be *ex officio*, by virtue of their office, supervisors of the zones created in each county.

SEC. 6. *Administration.* Administration of the affairs of zones shall be in the county engineer. The

engineer may appoint such deputies and engage such employees, specialists and technicians as may be required by the zone and as are authorized by the zone's budget. Subject to the approval of the board, the engineer may organize, or reorganize as required, the zone into such departments, divisions or other administrative relationships as he deems necessary to its efficient operation.

SEC. 7. *Advisory committee.* The board may appoint a county-wide advisory committee and also may appoint an advisory committee for any zone or combination of two or more zones which committees shall consist of not more than five members. Members of the committee or committees shall serve without pay but may receive their reasonable expenses and shall serve at the pleasure of the board.

SEC. 8. *General powers.* A zone or participating zone may:

(1) Exercise all the powers vested in a county for flood control purposes under the provisions of chapter 86.12 RCW: *Provided*, That in exercising such powers, all actions shall be taken in the name of the zone and title to all property or property rights shall vest in the zone;

(2) Plan, construct, acquire, repair, maintain and operate all necessary improvements and works to control, conserve and remove flood waters;

(3) Take action necessary to protect life and property within the district from flood water damage;

(4) Control, conserve, retain, reclaim and remove flood waters and dispose of the same for beneficial or useful purposes under such terms and conditions as the board may deem appropriate, subject to the acquisition, by the board of appropriate water rights in accordance with the statutes;

(5) Acquire necessary property, property rights, facilities and equipment necessary to the purposes of

the zone by purchase, gift or condemnation: *Provided*, That property of municipal corporations may not be acquired without the consent of such municipal corporation;

(6) Sue and be sued in the name of the zone;

(7) Acquire or reclaim lands when incidental to the purposes of the zone and dispose of such lands as are surplus to the needs of the zone in the manner provided for the disposal of county property in chapter 36.34 RCW;

(8) Cooperate with or join with the state of Washington, United States, another state, any agency, corporation or political subdivision of the United States or any state, Canada; or any private corporation or individual for the purposes of this act;

(9) Accept funds or property by loan, grant, gift or otherwise from the United States, the state of Washington, or any other public or private source;

(10) Remove debris, logs, or other material which may impede the orderly flow of waters in streams or water courses: *Provided*, That such material shall become property of the zone and may be sold for the purpose of recovering the cost of removal: *Provided further*, That valuable material or minerals removed from public lands shall remain the property of the state.

SEC. 9. *Extraterritorial powers.* A zone may, when necessary to protect life and property within its limits from flood water, exercise any of its powers specified in section 8 of this act outside its territorial limits.

SEC. 10. *Flood control improvements—Authorization.* The board may authorize the construction, extension, enlargement or acquisition of necessary flood control improvements within the zone or any participating zones. Such improvements may include, but shall not be limited to the extension, enlargement, construction or acquisition of dikes and

levees, drain and drainage systems, dams and reservoirs, or other flood control improvements; widening, straightening or relocating of stream or water courses; and the acquisition, extension, enlargement or construction of any works necessary for the protection of stream and water courses, channels, harbors, life and property.

SEC. 11. *Flood control improvements—Initiation.* Flood control improvements may be extended, enlarged, acquired or constructed by a zone pursuant to a resolution adopted by the board. Such resolution shall specify:

(1) Whether the improvement is to be extended, enlarged, acquired or constructed;

(2) That a comprehensive plan of development for flood control has been prepared for the stream or water course upon which the improvement will be enlarged, extended, acquired or constructed, and that the improvement generally contributes to the objectives of such comprehensive plan of development: *Provided*, That improvements initiated before July 1, 1965, may be undertaken without reference to a comprehensive plan: *And provided further*, That such plan shall be first submitted to the state department of conservation at least ninety days in advance of the beginning of any project of improvement; and shall be subject to all the regulatory control provisions by the state supervisor of flood control as provided in RCW chapter 86.16.

(3) If the improvement is to be constructed, that preliminary engineering studies and plans have been made, and that such plans and studies are on file with the county engineer;

(4) The estimated cost of the acquisition or construction of such improvement, together with such supporting data as will reasonably show how such estimates were arrived at; and

(5) That the improvement will benefit:

- (a) Two or more zones, hereinafter referred to as participating zones; or
- (b) A single zone; or
- (c) The county as a whole, as well as a zone or participating zones.

SEC. 12. *Flood control improvements—Hearing, notice.* Before finally adopting a resolution to undertake any flood control improvement, the board shall hold a hearing thereon. Notice and publication of such hearing shall be given pursuant to the provisions of RCW 36.32.120 (7). The board may conduct any such hearing concurrently with a hearing on the establishment of a flood control zone, and may in such case designate such proposed zone a beneficiary of any improvement.

SEC. 13. *Zone treasurer — Funds.* The treasurer of each zone shall be the county treasurer. He shall establish within his office a zone flood control fund for each zone into which shall be deposited the proceeds of all tax levies, assessments, gifts, grants, loans, or other revenues which may become available to a zone.

The treasurer shall also establish the following accounts within the zone fund:

- (1) For each flood control improvement financed by a bond issue, an account to which shall be deposited the proceeds of any such bond issue; and
- (2) An account for each outstanding bond issue to which will be deposited any revenues collected for the retirement of such outstanding bonds or for the payment of interest or charges thereon; and
- (3) A general account to which all other receipts of the zone shall be deposited.

SEC. 14. *Budget.* The board shall annually at the same time county budgets are prepared adopt a budget for each zone which shall be divided into the following appropriation items: (a) overhead and administration, (b) maintenance and operation, (c)

construction and improvements, and (d) bond retirement and interest. In preparing such budget, the board shall show the total amount to be expended in each appropriation item and proportionate share of each appropriation item to be paid from each account of the zone.

In preparing the annual budget, the board shall under appropriation item of construction and improvement list each flood control improvement and the estimated expenditure to be made for each during the ensuing year. The board may at any time during the year, if additional funds become available to the zone, adopt a supplemental budget covering additional authorized improvements.

The zone budget or any supplemental budget shall be approved only after a public hearing, notice of which shall be given as provided by RCW 36.32.120 (7).

SEC. 15. *County aid.* Whenever the board finds under the provisions of section 11 of this act that a flood control improvement initiated by any zone will be of benefit to the county as a whole, as well as to the zone or participating zones; or whenever the board finds that the maintenance and operation of any flood control improvement within any zone will be of benefit to the overall flood control program of the county, the board may authorize the transfer of any funds available to the county for flood control purposes to any zone or participating zones for flood control purposes.

SEC. 16. *Additional levies and assessments.* For the purposes of this act the board may authorize:

(1) A special annual ad valorem levy within any zone or participating zones when authorized by the voters of such zone or participating zones pursuant to the provisions of RCW 84.52.052 and RCW 84.52-.054; and

(2) An assessment upon property specially ben-

efted by an improvement made pursuant to the provisions of chapter 86.08 RCW; and

(3) Within any zone or participating zones an annual levy of not to exceed two mills when such levy will not take millage which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the forty mill limitation, and such additional levy, or any portion thereof, may also be made when millage of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

SEC. 17. *Bonds.* The board may authorize the issuance of general obligation bonds to finance any flood control improvement. Such general obligation bonds may be issued only when authorized by the voters pursuant to RCW 84.52.056. Such bonds shall be issued on behalf of the zone or participating zones and be approved by the voters of the zone or participating zones when the improvement has by the resolution, provided in section 11 of this act, been found to be of benefit to a zone or participating zones.

SEC. 18. *Protection of public property.* Any agency or department of the state of Washington, or any political subdivision or municipal corporation of the state may contribute funds to the county or any zone or zones to assist the county, zone or zones in carrying out the purposes of this act when such agency, department, subdivision or municipal corporation finds such action will materially contribute to the protection of publicly owned property under its jurisdiction.

SEC. 19. *Abatement of nuisances.* The board may order, on behalf of the county, that an action be brought in the superior court of the county to require the removal of publicly or privately owned structures, improvements, facilities or accumulations of debris or materials which materially contribute to the dangers of loss of life or property from flood

waters. Where such structures, improvements, facilities or accumulations of debris or materials are found to endanger the public health or safety the court shall declare them a public nuisance, and forthwith order their abatement. If such abatement is not completed within the time ordered by the court the county may abate the nuisance and charge the cost of such action against the land upon which such nuisance is located and the payment of such charge may be enforced and collected in the same manner at the same time as county property taxes.

SEC. 20. *Flood control zones—Consolidation, abolition.* The board may consolidate any two or more zones or abolish any zone pursuant to a resolution adopted by the board providing for such action. Before adopting such a resolution, the board shall conduct a public hearing notice of which shall be given as provided by RCW 36.32.120 (7). Any indebtedness of any zone or zones which are abolished or consolidated shall not be impaired by their abolition or consolidation, and the board shall continue to levy and collect all necessary taxes and assessments until such debts are retired. Whenever twenty-five percent of the electors of any zone file a petition, meeting the requirements of sufficiency set forth in section 2 of this act, asking that a zone be abolished, the board shall: (1) adopt a resolution abolishing the zone or (2) at the next general election place a proposition on the ballot calling for a yes or no vote on the abolition of the zone.

SEC. 21. *Transfer of property.* A diking, drainage or sewage improvement district, flood control district, or zone may convey title to any property improvements or assets of such districts or zone to the county or a zone for flood control purposes: *Provided*, That if such property improvements or assets are surplus to the needs of such district or zone such transfer may be made by private negotiations, in all

other cases such transfers shall be subject to the approval of a majority of the registered voters within such district or zone: *And provided further*, That nothing in this section shall permit any district or zone to impair the obligations of any debt or contract of such district or zone.

SEC. 22. *Planning of improvements.* Nothing in this act shall be construed as limiting the right of counties under the provisions of RCW 86.12 to undertake the planning or engineering studies necessary for flood control improvements or financing the same from any funds available for such purposes.

SEC. 23. *Public necessity of act.* This act is hereby declared to be necessary for the public health, safety, and welfare and that the taxes and special assessments authorized hereby are found to be for a public purpose.

SEC. 24. *Severability—Construction.* If any provision of this act, as now or hereafter amended, or its application to any person or circumstance is held invalid, the remainder of the act, and its application to other persons or circumstances shall not be affected.

SEC. 25. *Construction of act.* This chapter shall be complete authority for the accomplishment of purposes hereby authorized, and shall be liberally construed to accomplish its purposes. Any restrictions, limitations or regulations contained shall not apply to this chapter. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only.

SEC. 26. *Titles not part of the act.* The section titles shall not be considered a part of this act.

SEC. 27. *Emergency clause.* This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state govern-

ment and its existing public institutions, and shall take effect immediately.

Passed the House February 28, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 154.

[H. B. 47.]

WEATHER MODIFICATION AND CONTROL.

AN ACT relating to weather modification and control; amending section 2, chapter 245, Laws of 1957 and RCW 43.37.020; amending section 11, chapter 245, Laws of 1957 and RCW 43.37.110; amending section 12, chapter 245, Laws of 1957 and RCW 43.37.120; and amending section 14, chapter 245, Laws of 1957 and RCW 43.37.140.

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

SECTION 1. Section 2, chapter 245, Laws of 1957 and RCW 43.37.020 are each amended to read as follows:

(1) There is established a weather modification board to consist of the director of conservation, who shall be the chairman and who shall exercise no vote except in case of a tie vote, nine members all appointed by the governor, including a member of the faculty of Washington State University, a member of the faculty of the University of Washington, one member to be a person experienced in, and actually engaged in the commercial production of horticultural products, three members to be persons experienced in, and actually engaged in the commercial production of other agricultural products, and three members representing the general public. Members appointed to represent horticulture, other agricultural products, and the general public, shall each represent a different congressional district in order that each congressional district of the state

RCW 43.37.020 amended.

Board established—Composition, appointment, qualifications, compensation, quorum.

shall be represented by one such appointee. The term of office of each member of the board appointed prior to March 3, 1961 shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, one each at the end of the first, second, third and fourth years after March 3, 1957. The term of office of each member appointed to the board as an additional member because of this amendatory act shall be four years, except that the first terms of office of such appointed members first taking office shall expire, as determined by the governor at the time of their appointment, two at the end of the first year after March 3, 1961, and one each at the end of the second, third, and fourth years after March 3, 1961. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(2) Members of the board shall receive no compensation for the performance of their duties under the provisions of this chapter; but each member shall be reimbursed, to the extent allowed by law from funds available for the administration of this chapter, for expenses necessarily incurred in the performance of his duties.

(3) A majority of the members shall constitute a quorum for the transaction of business.

RCW 43.37.110
amended.

Permits—
Requirements.

SEC. 2. Section 11, chapter 245, Laws of 1957 and RCW 43.37.110 are each amended to read as follows:

The board shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

- (1) If the applicant is licensed pursuant to this chapter;
- (2) If a sufficient notice of intention is published

and proof of publication is filed as required by RCW 43.37.140;

(3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the board but not to exceed twenty thousand dollars;

(4) If the fee for a permit is paid as required by RCW 43.37.160;

(5) If the weather modification and control activities to be conducted under authority of the permit are determined by the board to be for the general welfare and public good.

(6) If the board has held an open public hearing in Olympia as to such issuance.

SEC. 3. Section 12, chapter 245, Laws of 1957 and RCW 43.37.120 are each amended to read as follows:

A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the board and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the board; and his activities shall also conform to any conditions imposed by the board upon the issuance of the permit or to the terms of the permit as modified after issuance.

RCW 43.37.120 amended.

Separate permits—Notice of intention filed, published—Activities restricted.

SEC. 4. Section 14, chapter 245, Laws of 1957 and RCW 43.37.140 are each amended to read as follows:

(1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a daily newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in

RCW 43.37.140 amended.

Notice of intention. Publication.

more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a daily newspaper having a general circulation and published within each of such counties. In case there is no daily newspaper published within the appropriate county, publication shall be made in a daily newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the board within fifteen days from the date of the last publication of the notice.

Passed the House March 7, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 155.

[H. B. 101.]

GUARDIANSHIP—OATH, BOND, OF GUARDIAN.

AN ACT relating to guardian bonds; and amending section 203, chapter 156, Laws of 1917, as last amended by section 1, chapter 242, Laws of 1951, and RCW 11.88.100.

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

RCW 11.88.100 amended.

SECTION 1. Section 203, chapter 156, Laws of 1917, as last amended by section 1, chapter 242, Laws of 1951, and RCW 11.88.100 are each amended to read as follows:

Oath and bond of guardian.

Before letters of guardianship are issued, each guardian shall take and subscribe an oath and, unless dispensed with by order of the court as provided below, file a bond, with sureties to be approved by the court, payable to the state, in such sum as the court may fix, and such bond shall be conditioned substantially as follows:

The condition of this obligation is such, that if the above bound A.B., who has been appointed guardian for C.D., shall faithfully discharge the office and trust of such guardian according to law and shall render a fair and just account of his guardianship to the superior court of the county of, from time to time as he shall thereto be required by such court, and comply with all orders of the court, lawfully made, relative to the goods, chattels, moneys, care, management, and education of such minor, insane or mentally incompetent person, or his or her property, and render and pay to such minor, insane or mentally incompetent person all moneys, goods, chattels, title papers, and effects which may come into the hands or possession of such guardian, at such time and in such manner as the court may order or adjudge, then this obligation shall be void, otherwise to be and remain in full force and effect.

The bond shall be for the use of the minor, insane or mentally incompetent person, and shall not become void upon the first recovery, but may be put in suit from time to time against all or any one of the obligors, in the name and for the use and benefit of any person entitled by the breach thereof, until the whole penalty is recovered thereon. The court may require an additional bond whenever for any reason it appears to the court that an additional bond should be given: *Provided*, That in cases where the estate consists of, or has been reduced solely to, cash or securities or both, and the said assets do not exceed the sum of ten thousand dollars, and where such guardian agrees that the funds of the estate not theretofore ordered disbursed, shall be invested in government bonds, bank or mutual savings bank savings accounts, savings and loan association accounts, or certificates, or other investments permitted by law and approved by the judge, and said guardian further agrees that such

bonds, certificates or other evidence of investment shall be placed in possession of a savings and loan association or a bank, trust company, escrow corporation or other corporation approved by the court and files in court a receipt therefor stating that such corporation holds the same subject to order of court then in such case the judge may in his discretion dispense with the giving of a bond or reduce the same, and may order that no further reports by said guardian be required until such time as the guardian desires to withdraw such funds or change the investment thereof: *Provided further*, When the petition for appointment of guardian or other papers on file with the court show to the satisfaction of the court the amount to be so invested and the disposition to be made of the other funds of the estate, if any, the court may also dispense with the filing of an inventory of a first guardian's report or both.

In all cases where a bank or trust company, authorized to act as guardian, is appointed as guardian, or acts as guardian under an appointment as such heretofore made, no bond shall be required.

When it appears from the petition for letters of guardianship and from the evidence submitted at the hearing thereon that the value of the estate does not exceed five hundred dollars, that the rights of the ward and creditors will not be jeopardized thereby, and that the guardian is a parent of, or a person standing in loco parentis to, the ward, the court may order that letters of guardianship be issued without bond.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 156.

[H. B. 102.]

ACQUISITION OF STATE LANDS, RIGHTS AND MATERIALS FOR HIGHWAY PURPOSES.

AN ACT relating to highways; providing for acquisition of state lands, rights and materials; setting forth duties when use no longer required; providing for payment for timber and other materials removed from public lands; and amending section 47.12.020, chapter 13, Laws of 1961 (House Bill No. 3), and RCW 47.12.020.

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

SECTION 1. Section 47.12.020, chapter 13, Laws of 1961 (House Bill No. 3), and RCW 47.12.020 are each amended to read as follows:

RCW 47.12.020 amended.

Whenever it is necessary to locate and construct a state highway 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, or in the construction or maintenance of any state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the highway commission shall file in the office of the commissioner of public lands a map showing the location of such state highway over and across such land, or the additional land needed, for

Acquisition of state lands, rights and materials—Duties when no longer required—Payment for timber and materials.

drainage thereof or construction of a protection therefor or for unobstructed vision as above provided therefor, or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, 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 and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp site or other structure site, it shall be the duty of the highway commission forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of

such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further,* That if there be timber on any such public lands of the state of Washington or portion thereof required under the provisions of this section for the right of way of any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the highway commission shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the highway commission for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further,* That the highway commission shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the state of Washington the fair market value, but in no event to exceed five cents a cubic yard, for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands. "State highway" as used in this

section shall include limited access facilities established under chapter 47.52 RCW.

Passed the House February 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 157.

[H. B. 264.]

VETERINARIANS—UNPROFESSIONAL CONDUCT—
ETHICS.

AN ACT relating to regulating the practice of veterinary medicine, surgery and dentistry; amending section 13, chapter 71, Laws of 1941 and RCW 18.92.160; and amending section 4, chapter 92, Laws of 1959 and RCW 18.92.030.

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

RCW 18.92.160 amended.

SECTION 1. Section 13, chapter 71, Laws of 1941 and RCW 18.92.160 are each amended to read as follows:

Veterinarians. Suspension or revocation of licenses—Grounds.

The license of any person heretofore or hereafter granted to practice veterinary medicine, surgery and dentistry in this state may be suspended for a certain period of time or revoked, in the manner provided by RCW 43.24.110 for any of the following causes, which shall be deemed to be unprofessional conduct within the meaning of this chapter:

- (1) The employment of fraud, misrepresentation or deception in obtaining such license.
- (2) Conviction of a crime involving moral turpitude.
- (3) Chronic inebriety or habitual use of drugs.
- (4) Fraud in representation as to skill or ability.
- (5) Use of untruthful or improbable statements in advertisements, publicity material or interviews.
- (6) Distribution of alcohol or drugs for any other than legitimate purposes.
- (7) Personation of another licensed practitioner.

(8) Violation or attempting to violate, directly or indirectly, any of the provisions of this chapter.

(9) Gross incompetency in the practice of his profession.

(10) Violation of the ethics of the profession. The code of ethics adopted by the board of governors shall be the standard of ethics for the licensed veterinarians of this state.

SEC. 2. Section 4, chapter 92, Laws of 1959 and RCW 18.92.030 are each amended to read as follows:

RCW 18.92.030 amended.

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. The board shall supervise the conduct of those practicing veterinary medicine, surgery and dentistry and shall make such recommendations as it deems necessary to the director of licenses in regard to the granting, suspension of revocation of licenses. It shall be the duty of the board to adopt as the code of ethics for the practice of the veterinary profession in this state, the principles of veterinary medical ethics adopted by the house of delegates of the American veterinary medical association on August 13, 1960.

General duties of board— Code of ethics.

Passed the House February 13, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 158.

[H. B. 19.]

CITIES—COUNTIES—LIBRARY DISTRICTS—
CONDITIONAL SALES CONTRACTS.

AN ACT relating to the execution of executory conditional sales contracts; authority, limitations and procedures for cities and towns and counties for public parks and public libraries and for library districts for public libraries.

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

Contracts by counties, cities, library districts, authorized—
Limitations.

SECTION 1. Any city or town or county or library district may execute an executory conditional sales contract with a county or counties, the state or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights, for public parks and/or public libraries, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the taxable property in such city or town or county or library district: *Provided*, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town or county or library district, as the case may be, a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: *Provided further*, That any city or town or county or library district may jointly execute contracts authorized by this act, if the entire amount of the purchase price does not result in a joint total indebtedness in excess of one and one-half percent of the taxable property in such city or town or county or library district.

Voter approval, when.

Joint execution of contracts authorized.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 159.

[H. B. 70.]

CONDITIONAL SALES OF PERSONAL PROPERTY.

AN ACT relating to conditional sales of personal property; and amending section 1, chapter 106, Laws of 1893, as last amended by section 1, chapter 196, Laws of 1937, and RCW 63.12.010.

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

SECTION 1. Section 1, chapter 106, Laws of 1893, as last amended by section 1, chapter 196, Laws of 1937, and RCW 63.12.010 are each amended to read as follows:

RCW 63.12.010
amended.

All conditional sales of personal property, or leases thereof, containing a conditional right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to all bona fide purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors, whether or not such creditors have or claim a lien upon such property, unless within twenty days after the taking of possession by the vendee, a memorandum of such sale, stating its terms and conditions, including the rate of interest and the purchase price exclusive of interest, insurance and all other charges, and signed by the vendor and vendee, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides. Every such contract for the conditional sale or lease of any personal property, except machinery, apparatus or equipment to be used for manufacturing or industrial purposes, attached or to be attached to a building, whether a fixture at common law or not, shall be absolute as to all subsequent bona fide purchasers or encumbrancers of such building and the land on which it stands, unless such contract or lease shall also contain a sufficient legal description of the real estate which said building occupies, and shall be

Conditional
sales contracts.
Sale absolute
unless contract
filed—Excep-
tions.

filed and recorded as provided in RCW 63.12.020: *Provided, however,* That nothing in this section contained shall be construed to require such filing or recording of any conditional sale of personal property or lease thereof containing a conditional right to purchase, wherein the total designated unpaid purchase price does not exceed the sum of two hundred and fifty dollars and such contracts or leases shall be valid as to all bona fide purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors: *Provided, further,* That in computing said "total designated unpaid purchase price" there shall be added to said purchase price designated in any such contract the designated unpaid purchase price set forth in any other contract of conditional sale executed between the same vendor and vendee as a part of the same transaction and if the total of all exceeds said sum of two hundred and fifty dollars each of said contracts of conditional sale shall be absolute as hereinabove provided unless filed or filed and recorded as hereinabove provided.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 160.

[H. B. 122.]

BUSINESS CORPORATIONS—SHAREHOLDERS'
CONSENT IN LIEU OF MEETING.

AN ACT relating to business corporations; and adding a new section to chapter 185, Laws of 1933 and chapter 23.01 RCW.

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

SECTION 1. There is added to chapter 185, Laws of 1933 and chapter 23.01 RCW a new section to read as follows: New section.

Any action required by this chapter to be taken at a meeting of the shareholders of a corporation, or any action which may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the shareholders entitled to vote with respect to the subject matter hereof. Business corporation act. Consent to action without meeting—Requisite—Effect.

Such consent shall have the same force and effect as a meeting of shareholders duly called and held for the purpose of taking such action and a unanimous vote of shareholders at the meeting, and may be stated or certified as such in any articles or document filed or recorded as provided in this chapter.

Passed the House February 6, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 161.

[H. B. 129.]

FIRE PROTECTION DISTRICT LOCAL IMPROVEMENT DISTRICTS.

AN Act relating to fire protection district local improvement districts; amending section 40, chapter 34, Laws of 1939 and RCW 52.20.010; section 41, chapter 34, Laws of 1939 and RCW 52.20.020; adding a new section to chapter 52.20 RCW; and repealing sections 42 and 43, chapter 34, Laws of 1939 and RCW 52.20.030 and 52.20.040.

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

RCW 52.20.010 amended.

SECTION 1. Section 40, chapter 34, Laws of 1939 and RCW 52.20.010 are each amended to read as follows:

L. I. D.'s authorized—Initiated by resolution or petition.

In any instance where for fire protection purposes the acquisition, maintenance and operation of real property, buildings, fire fighting equipment, apparatus and instrumentalities necessary therefor are of special benefit to part or all of the lands in the fire prevention district, the board of fire commissioners shall have authority to include such lands in a local improvement district, and to contract for operating such facilities, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such fire protection district. The duties devolving upon the city treasurer under said laws are imposed upon the county treasurer for the purposes of this chapter. Such local improvement districts may be initiated either by resolution of the board of fire commissioners or by petition signed by the owners of a majority of the acreage of lands to be included within the local improvement district.

If the petition procedure is followed, said petition

shall set forth generally the necessity for the creation of a local improvement district, outline the plan of fire protection to be accomplished, and the means by which the cost of the same shall be financed. Upon receipt of said petition, said district shall at its next regular meeting examine the same. The assessed owners of said lands as shown on the general tax roll in the county treasurer's office, last equalized, shall be prima facie evidence of the ownership of the lands to be included in said local improvement district. If said petition is found sufficient, said district board shall proceed to consider the same and to determine whether such local improvement appears feasible and of special benefit to the lands concerned.

In case the board of fire commissioners shall desire to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed district, describing the boundaries thereof, stating the estimated cost and expenses of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed district.

SEC. 2. Section 41, chapter 34, Laws of 1939 and RCW 52.20.020 are each amended to read as follows:

If said petition is found insufficient or if said district board shall determine that such a local improvement district is unfeasible or of no special benefit to the lands concerned, it shall dismiss said petition. If said district board shall approve said petition or adopts a resolution of intention to order an improvement, it shall fix a day, hour and place for hearing the same and shall (1) mail notice of

RCW 52.20.020 amended.

Action on petition—Procedure if petition approved or resolution of intention adopted—Notice of hearing.

said hearing at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of each lot, tract, parcel of land or other property within the proposed improvement district as shown on the tax rolls of the county treasurer at the address shown thereon, and (2) publish notice of said hearing in a newspaper of general circulation in the county, to be selected by said board, for three consecutive weekly issues thereof published prior to the day of said hearing. The cost of said publication shall be advanced or paid in advance by the petitioners or, in the case of initiation by the board of fire commissioners, such costs shall be paid by the board. Such notice shall describe the boundaries of the proposed local improvement district, shall state that the lands within the said boundaries are proposed to be included within a local improvement district, shall mention the plan of fire protection proposed and the means by which the cost of the same shall be financed, shall state the day, hour and place of hearing on said petition and shall be signed by the secretary of the fire protection district.

New section.

SEC. 3. There is added to chapter 52.20 RCW a new section to read as follows:

Proceedings in
accord with
chapter 56.20
RCW.

The hearing for which notice is given in section 2 of this amendatory act and all subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection and enforcement of local improvement assessments, shall be in accordance with the provisions of law applicable to sewer district local improvement district improvements set forth in chapter 56.20 RCW as now or hereafter amended, and references therein to the board of sewer commissioners and secretary of the board of sewer commissioners shall be deemed references to the board of fire district commissioners and secretary of the board of fire district commissioners, respectively.

SEC. 4. Sections 42 and 43, chapter 34, Laws of 1939 and RCW 52.20.030 and 52.20.040 are each repealed. Repeal.

SEC. 5. Nothing contained in this act shall apply to any tracts or parcels of wholly forest type lands within the district which are required to pay forest protection assessments, as required in RCW 76.04-.360; however, both the tax levy or special assessments of the district and the forest patrol assessment shall apply on the forest land portion of any tract or parcel which is in the district containing a combination of both forest type lands and nonforest type lands or improvements: *Provided, however,* That the owner shall have the right to have forest type lands of more than twenty acres in extent separated from land bearing improvements and from nonforest type lands for such taxation and assessment purposes upon furnishing to the assessor a written request containing the proper legal description. Forest type lands excluded under act.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 162.

[H. B. 130.]

LIBRARY DISTRICT LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to local improvement districts for library purposes.

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

SECTION 1. As used in this act:

“Library district” means a rural county library district, or intercounty rural library district. “Library district” defined.

SEC. 2. In any instance where the acquisition of land, buildings or capital equipment, or the construction of library buildings are of special benefit Library district L. I. D.'s authorized—Initiation.

to part or all of the lands in the district, the governing board of the library district shall have authority to include such lands in a local improvement district, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any such improvements ordered in such library district. For the purposes of this act, the duties devolving upon the city treasurer under said laws are imposed upon the county treasurer serving the library district. Such local improvement districts may be initiated either by resolution of the governing board of the library district or by petition signed by the owners of at least fifty-one percent of the area of the land within the local improvement district to be created.

If the petition procedure is followed, said petition shall set forth generally the necessity for the creation of a local improvement district, outline the improvements proposed, and the means by which the cost of the same shall be financed. Upon receipt of said petition, said library district shall at its next regular meeting examine the same. The assessed owners of said lands as shown on the general tax roll in the county treasurer's office, last equalized, shall be prima facie evidence of the ownership of the lands to be included in said local improvement district. If said petition is found sufficient, said governing board of the library district shall proceed to consider the same and to determine whether such local improvement appears feasible and of special benefit to the lands concerned.

In case the governing board of the library district shall desire to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial

extent of such proposed improvement, designating the number of the proposed district, describing the boundaries thereof, stating the estimated cost and expenses of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed district.

SEC. 3. If said petition is found insufficient or if said governing board of the library district shall determine that such a local improvement district is unfeasible or of no special benefit to the lands concerned, it shall dismiss said petition. If said governing board of the library district shall approve said petition or adopts a resolution of intention to order an improvement, it shall fix a day, hour and place for hearing the same and shall (1) mail notice of said hearing at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of each lot, tract, parcel of land or other property within the proposed improvement district as shown on the tax rolls of the county treasurer at the address shown thereon, and (2) publish at least ten days prior to the hearing a notice of said hearing in a newspaper of general circulation in the county, to be selected by said board. The cost of said mailing and publication shall be advanced or paid in advance by the petitioners or, in the case of initiation by the governing board of the library district, such costs shall be paid by the board. Such notice shall describe the boundaries of the proposed local improvement district, shall state that the lands within the said boundaries are proposed to be included within a local improvement district, shall mention the improvements proposed and the means by which the cost of the same shall be financed, shall state the day, hour and place of hearing on said petition and

Action on petition—Procedure if petition approved or resolution of intention adopted—Notice of hearing.

shall be signed by the secretary of the library district.

Proceedings
in accord with
chapter 56.20
RCW.

SEC. 4. The hearing for which notice is given in section 3 of this act and all subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection and enforcement of local improvement assessments, shall be in accordance with the provisions of law applicable to sewer district local improvement district improvements set forth in chapter 56.20 RCW as now or hereafter amended, and references therein to the board of sewer commissioners and secretary of the board of sewer commissioners shall be deemed references to the governing board of the library district and secretary of the governing board of the library district.

Dual use
authorized.

SEC. 5. Library districts may use the provisions of this act for library district purposes alone or in conjunction with regional library agreements.

Passed the House February 13, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 163.

[H. B. 171.]

MOTOR VEHICLE REGISTRATION.

AN ACT relating to motor vehicles and the licensing thereof; amending section 46.16.400, chapter 12, Laws of 1961 and RCW 46.16.400; amending section 46.16.410, chapter 12, Laws of 1961 and RCW 46.16.410; amending section 46.16-.420, chapter 12, Laws of 1961 and RCW 46.16.420; amending section 46.16.430, chapter 12, Laws of 1961 and RCW 46.16.430; amending section 46.16.440, chapter 12, Laws of 1961 and RCW 46.16.440.

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

SECTION 1. Section 46.16.400, chapter 12, Laws of 1961 and RCW 46.16.400 are each amended to read as follows: RCW 46.16.400 amended.

On or after January 1, 1964, all vehicles as defined in RCW 46.04.670, except motor trucks, truck tractors, trailers, semitrailers, motor buses and bus trailers, taxicabs, motor bicycles, motorcycles, electric vehicles, armored cars, wreckers, tow cars, dealer vehicles, and vehicles owned by the state or political subdivisions thereof, the United States and branches thereof, and consuls of foreign countries, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last day of the twelfth month from date of beginning. The period beginning January 1st shall be designated the first period, and the subsequent periods shall be numbered consecutively thereafter. Staggered registration. Vehicles subject to—Registration periods established.

SEC. 2. Section 46.16.410, chapter 12, Laws of 1961 and RCW 46.16.410 are each amended to read as follows: RCW 46.16.410 amended.

All motor vehicles, other than those exempted by RCW 46.16.400, which are operated for the first time

—Vehicles operated for first time on and after January 1, 1964.

on or after January 1, 1964 upon the public highways of this state, shall be subject to registration and payment of fee for the twelve-month period commencing with the first day of the month of operation.

RCW 46.16.420 amended.

SEC. 3. Section 46.16.420, chapter 12, Laws of 1961 and RCW 46.16.420 are each amended to read as follows:

—Fractional registration periods—Fees—Rules.

In order to allow an orderly change over from the system of calendar year registration to the staggered registration system, the director of licenses may register such motor vehicles as are defined in RCW 46.16.400 for less than a twelve-month period. This may be done at any time or times during the ten-year period beginning January 1, 1964 when the director of licenses determines that such fractional registration tends to fulfill the purpose of the staggered registration system. For such fractional registration periods the registration fee shall be computed and imposed on the basis of the ratio that such fractional registration periods bear to a full twelve-months registration period. The director of licenses shall prescribe reasonable rules to govern such fractional registration. The allocation of motor vehicles to said new monthly intervals by this fractional registration shall be such as will result, in the judgment of the director, in a uniform distribution of the clerical work of registration throughout the year.

RCW 46.16.430 amended.

SEC. 4. Section 46.16.430, chapter 12, Laws of 1961 and RCW 46.16.430 are each amended to read as follows:

—Vehicles not previously registered and operated first after January 1, 1964.

Motor vehicles, other than those exempted by RCW 46.16.400, not previously registered in this state and operated upon the public highways of this state for the first time on or after January 1, 1964, shall be registered for a full twelve-months period commencing the first day of the month of operation.

SEC. 5. Section 46.16.440, chapter 12, Laws of 1961 and RCW 46.16.440 are each amended to read as follows:

RCW 46.16.440 amended.

On and after January 1, 1964 the director is empowered and authorized to make and execute all administrative regulations necessary to accomplish an enforcement of the provisions of RCW 46.16.220, 46.16.230, 46.16.400 through 46.16.440 and 82.44.020.

—Director may execute regulations.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 164.

[S. B. 31.]

FISCAL AGENCY—DESTRUCTION OF INSTRUMENTS.

AN ACT relating to the fiscal agency in New York City; prescribing certain duties of such fiscal agency and the duties of certain public officers in relation thereto; providing for compensation for additional duties; amending section 3, chapter 141, Laws of 1895 and RCW 43.80.030; and amending section 4, chapter 141, Laws of 1895 and RCW 43.80.040.

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

SECTION 1. Section 3, chapter 141, Laws of 1895, and RCW 43.80.030 are each amended to read as follows:

RCW 43.80.030 amended.

The fiscal agency, on the receipt of any moneys transmitted to it by or for this state, or for any county, township, school district, city, or town therein, for the purpose of paying therewith any of its bonds or coupons by their terms made payable in the city of New York, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the agency in the city of New York at or after the maturity thereof, in the order of their presentation, insofar as the moneys

Fiscal agency. Duties of agency—As cremating agency—Certificate of destruction issued.

received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state, or the county, township, school district, city, or town which issued them: *Provided*, That nothing herein shall prevent the state or any of the aforementioned political subdivisions thereof from designating its fiscal agency in the city of New York, also as its cremating agency, and to provide by agreement therewith, that after any general or revenue obligation bonds or interest coupons have been cancelled or paid, they may be destroyed as directed by the proper officers of the state or other political subdivisions hereinbefore mentioned: *Provided further*, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state, county, township, school district, city, or town as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the cancelled instruments thereafter have been forwarded to said treasurer for recording, such cancelled instruments may be forwarded to the cremating agency in the city of New York for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such cancelled instruments in the presence of the public officers or boards, or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: *Provided*, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the

instruments destroyed, which certificates shall be filed with those of the cremating agency herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the issue or series described thereon shall have matured and been paid or cancelled.

SEC. 2. Section 4, chapter 141, Laws of 1895, and RCW 43.80.040 are each amended to read as follows:

RCW 43.80.040 amended.

The fiscal agency established by this chapter shall receive no compensation for the performance of the duties as fiscal agency so prescribed: *Provided however*, That such fiscal agency may receive compensation for the additional duties performed, as set forth in RCW 43.80.030, as amended, in such amounts as may be agreed upon between said fiscal agency and the state or any of its political subdivisions that may be involved.

Compensation only as cremating agency.

Passed the Senate February 17, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 165.

[S. B. 123.]

CITIES AND TOWNS—LOCAL IMPROVEMENT INSTALLMENT NOTES AND CONTRACTS.

AN ACT relating to cities and towns; providing for local improvement installment notes and certificates; and adding a new section to chapter 35.45 RCW.

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

SECTION 1. There is added to chapter 35.45 RCW a new section to read as follows:

New section.

In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, any city or town may also issue installment notes payable out of the local improve-

City and town L. I. D.'s. Installment notes for financing authorized.

ment district fund, where such notes are to be sold exclusively to another fund of the same municipality as an investment thereof. Such installment notes may be issued any time after the thirty day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes herein provided to finance said improvement shall be made not less than once each year beginning with the issue date thereof. If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate of interest, not to exceed eight percent, to be paid on the unpaid balance thereof, and; (6) such manual or facsimile signatures and attestations as are required by state statute or city charter to appear on the warrants of each issuing municipality.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall,

in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the city's clerk, treasurer or other properly designated receiving officer of the municipality.

Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein authorized, a non-interest-bearing defaulted installment interest certificate shall be issued by the city treasurer which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the city treasurer or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

Defaulted
installment
interest
certificate.

Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of said final installment.

All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in chapter 35.54 RCW, and whenever the certificates or notes issued as herein provided are redeemed by said local improvement guaranty fund, they shall be held therein as investments thereof in the same

Redemption
privileges.

manner as prescribed for other defaulted local improvement district obligations.

Installment notes as legal investment.

Notwithstanding any other statutory provisions, local improvement installment notes authorized by this section which are within the protection of the local improvement guaranty fund law shall be considered legal investments for any available surplus funds of the issuing municipality which now or hereafter may be authorized to be invested in the city's local improvement districts' bonds or warrants.

Passed the Senate February 10, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 166.

[S. B. 125.]

CITIES AND TOWNS—FUNDS—EXPENDITURES—
APPROPRIATIONS.

AN ACT relating to cities and towns; amending section 32, chapter 337, Laws of 1955 and RCW 35.33.080; amending section 33, chapter 337, Laws of 1955 and RCW 35.33.090; amending section 5, chapter 158, Laws of 1923 as last amended by section 1, chapter 322, Laws of 1955 and RCW 35.33.120 and RCW 35.33.130; and amending section 35, chapter 337, Laws of 1955 as amended by section 2, chapter 44, Laws of 1957 and RCW 35.33.150.

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

RCW 35.33.080 amended.

SECTION 1. Section 32, chapter 337, Laws of 1955, and RCW 35.33.080 are each amended to read as follows:

Budgets of cities under 300,000 population, excluding towns. Emergency expenditures—Nondebatable emergencies.

Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or public health, or for the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed by acci-

dent, or for the relief of a stricken community overtaken by calamity, or in settlement of approved claims for personal injuries or property damage (exclusive of claims arising from the operation of any public utility owned by the city), or to meet mandatory expenditures required by laws enacted since the last annual budget was adopted, or to cover expenses incident to make necessary arrangements for the establishment of a new form of government between the date on which the change in form of government has been approved by the electorate of the city and the date on which it is to become effective, including the expenses incident to arranging for the initial selection of a city manager when the form of government has been changed to the council-manager plan, the city commission or council upon the adoption by the vote of one more than the majority of all members of the legislative body of the city of an ordinance stating the facts constituting the emergency and the estimated amount required to meet it, may make the expenditures therefor without notice or hearing.

SEC. 2. Section 33, chapter 337, Laws of 1955, and RCW 35.33.090 are each amended to read as follows:

If a public emergency which could not reasonably have been foreseen at the time of the making of the estimates for the annual budget requires the expenditure of money not provided for in the annual budget, and if it is not one of the emergencies specifically enumerated in RCW 35.33.080 the city commission or council before making any expenditure therefor shall adopt an ordinance stating the facts constituting the emergency and the estimated amount required to meet it and declaring that an emergency exists.

Such ordinance shall not be voted on until one week has elapsed after its introduction, and for passage shall require the vote of one more than the

RCW 35.33.090
amended.

Emergency
expenditures
—Other
emergencies—
Hearing.

majority of all members of the legislative body of the city, and in cities not having the commission form of government must also be approved by the mayor.

Any taxpayer may appear at the meeting at which the emergency ordinance is to be voted on and be heard for or against the adoption thereof. Any city which publishes a weekly bulletin or official gazette shall publish a copy of the proposed ordinance therein together with a notice of the time set thereon before the day set for the vote.

SEC. 3. Section 5, chapter 158, Laws of 1923, as last amended by section 1, chapter 322, Laws of 1955 (heretofore divided and codified as RCW 35.33.120 and 35.33.130) is divided and amended as set forth in sections 4 and 5 of this act.

RCW 35.33.120
amended.
Funds—Limitations on ex-
penditures—
Transfers.

SEC. 4. (RCW 35.33.120) The expenditures as classified and itemized in the final budget shall constitute the city's appropriations for the ensuing fiscal year. Every officer and employee of the city shall be limited in the making of expenditures and incurring of liabilities to the amounts of the detailed appropriation items or classes, or to any amounts of appropriations which may be lawfully carried forward from prior fiscal years pursuant to RCW 35.33.150. Nothing herein shall prevent the proper officers or employees of the city from making expenditures of moneys received from the sale of general obligation or revenue bonds for the purposes for which they were issued pursuant to state law, irrespective of whether or not an item therefor has been included in the city's annual budget. Transfers between the general classes and expenditures from funds received in excess of estimated revenues shall be permitted when authorized by a resolution duly adopted by the majority vote of all members of the legislative body of any city: *Provided*, That the legislative body shall at all times have the power by ordinance with the vote of one more than the majority of all mem-

bers thereof, to revoke, recall, or decrease the whole or any part of any unexpended item as above provided, and shall further in said ordinance find that it is to the best interest of the municipality that such revocation, recall, or decrease of any unexpended item listed in the budget appropriation be made. Transfers between items within any class in the budget may be made by the city's chief administrative or finance officer, subject to such regulations as may be imposed by the legislative body thereof, but no salary shall be increased above the amount provided therefor in the budget. Notwithstanding the provisions of any statute to the contrary, the budgetary transfers herein authorized may be made as between any offices, departments, divisions, services, institutions, etc., or any combination thereof with a city's organizational structure which operate from the appropriations of the same fund.

Liabilities incurred by any officer or employee of the city in excess of any budget appropriation shall not be a liability of the city. The clerk shall issue no warrant and the city commission, council or mayor shall approve no claim for an expenditure in excess of any individual budget appropriation except upon an order of a court of competent jurisdiction or for emergencies as provided in this chapter.

SEC. 5. (RCW 35.33.130) Moneys received from the sale of bonds or warrants shall be used for no other purpose than that for which they were issued and no expenditure shall be made for that purpose until the bonds have been duly authorized. If any surplus remains from the proceeds realized from the bonds or warrants after the accomplishment of the purpose for which they were issued it shall be used for the redemption of the city debt. Where a budget contains an expenditure program to be financed from a bond issue to be authorized thereafter no such

RCW 35.33.130
enacted
without
amendment.

expenditure shall be made or incurred until after the bonds have been duly authorized.

RCW 35.33.150 amended.

SEC. 6. Section 35, chapter 337, Laws of 1955 as amended by section 2, chapter 44, Laws of 1957, and RCW 35.33.150 are each amended to read as follows:

Unexpended appropriations.

All appropriations in current operating funds shall lapse at the end of each fiscal year, however, this shall not prevent payments in the following year upon uncompleted improvements in progress or unfilled orders, for the purchase of material, equipment and supplies, which have been properly budgeted and contracted for prior to the close of such fiscal year.

All appropriations in special funds authorized by ordinance or by state law to be used only for the purpose or purposes therein specified, including any cumulative reserve funds lawfully established in specific or general terms for any municipal purpose or purposes, shall not lapse, but shall be carried forward from year to year until fully expended.

The accounts for budgetary control shall be kept open for twenty days after the close of each fiscal year for the purpose of paying and recording claims for indebtedness incurred during such fiscal year; any claim presented after the twentieth day following the close of the fiscal year shall be paid from appropriations lawfully provided for the ensuing period, including those made available by provisions of this section.

Passed the Senate February 23, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 167.

[S. B. 212.]

STATE CAPITOL—EAST CAPITOL SITE.

AN ACT relating to the state capitol; providing for the acquisition, development, and management of property approximate thereto; and declaring an emergency.

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

SECTION 1. The state capitol committee shall proceed as rapidly as their resources permit to acquire title to the following described property for development as state capitol grounds:

Committee to acquire site.

That area bounded by Capitol Way on the west, 14th Avenue on the north, 16th Avenue on the south and Primary State Highway No. 1 on the east; also that area bounded by Capitol Way on the west, 14th Avenue on the south, Franklin Street on the east and 12th Avenue on the north; also that area bounded by Capitol Way on the east, 14th Avenue on the north, 15th Avenue on the south and the present easterly boundary of the capitol grounds on the west; all in the city of Olympia, county of Thurston, state of Washington, or any such portion or portions of the above described areas as may be required for present or future expansion of the facilities of the state capitol.

Description.

SEC. 2. The area described in section 1 shall be known as the east capitol site, and upon acquisition shall become part of the state capitol grounds.

East capitol site designated.

SEC. 3. The state capitol committee may acquire such property by gift, exchange, purchase, option to purchase, condemnation, or any other means of acquisition not expressly prohibited by law. All other state agencies shall aid and assist the state capitol committee in carrying out the provisions of this act.

Methods of acquisition—Interagency cooperation.

Department to develop overall plan—Committee approval.

SEC. 4. The department of general administration shall develop, amend and modify an overall plan for the design and establishment of state capitol buildings and grounds on the east capitol site in accordance with current and prospective requisites of a state capitol befitting the state of Washington. The overall plan, amendments and modifications thereto shall be subject to the approval of the state capitol committee.

Independent action by state agency—Approval.

SEC. 5. State agencies which are authorized by law to acquire land and construct buildings, whether from appropriated funds or from funds not subject to appropriation by the legislature, may buy land in the east capitol site and construct buildings thereon so long as the location, design and construction meet the requirements established by the department of general administration and approved by the state capitol committee.

Limitation on state agency building in Thurston county.

SEC. 6. No state agency shall undertake construction of buildings in Thurston county except upon the state capitol grounds: *Provided*, That the state capitol committee may authorize exceptions upon a finding by the state capitol committee that appropriate locations on the capitol grounds or east capitol site are unavailable.

Department to administer use of site.

SEC. 7. The department of general administration shall have the power to rent, lease, or otherwise use any of the properties acquired in the east capitol site.

Disposition of moneys received from use of site.

SEC. 8. All moneys received by the department of general administration from the management of the east capitol site shall be deposited in the state general fund: *Provided*, That such moneys are not otherwise dedicated.

Account created—Source—Use.

SEC. 9. All moneys received by the state from the sale of tidelands, and shorelands lying within the incorporated limits of any city or town, the

proceeds of which are not otherwise directed to a particular fund or account, shall be deposited in the capitol purchase and development account of the general fund, the creation of which is hereby authorized. This account shall only be subject to appropriation for purchasing, improving, and managing the east capitol site.

SEC. 10. The use of the private real estate, rights, and interests in the east capitol site is hereby declared to be a public use. Declaration of public use.

SEC. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 168.

[S. B. 554.]

TAX EXEMPTIONS.

AN ACT relating to revenue and taxation; amending section 84.40.210, chapter 15, Laws of 1961, and RCW 84.40.210; and adding two new sections to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

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

SECTION 1. Section 84.40.210, chapter 15, Laws of 1961 and RCW 84.40.210 are each amended to read as follows: RCW 84.40.210 amended.

Property taxes
—Listing of
property. Per-
sonality of
manufacturer.

Every person who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing shall be held to be a manufacturer, and he shall, when required to, make and deliver to the assessor a statement of the amount of his other personal property subject to taxes, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind and every manufacturer shall list as part of his manufacturer's stock the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind, used or designed to be used for the first aforesaid purpose.

New section.

SEC. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Ores or metals
as exempt
property.

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 completion of such reduction or refinement, shall be considered and held to be property in transit and nontaxable.

New section.

SEC. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Goods, wares, raw furs, and merchandise manufactured or produced in any of the states, territories, or possessions of the United States or foreign

countries and brought into this state for the purpose of transportation or sale through and to points without the state, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, shall be considered and held to be property in transit and nontaxable if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable. The county assessor shall list and assess all such goods, wares, and merchandise as of January 1st of each year, without regard to any average inventory, but shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the identical property so assessed was actually shipped to points outside the state on or before April 30th of such year; but no such cancellation shall be made unless proof is furnished to the county assessor before June 1st of such year. A sale of or transfer of title to any such property, while being so transported or held in storage, shall not operate to defeat the intent or purpose of this section.

Goods, wares, raw furs and merchandise in transit as exempt property—Listing.

Passed the Senate February 27, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 169.

[S. B. 3.]

COUNTY PURCHASING DEPARTMENTS.

AN ACT relating to counties; providing for purchasing departments and purchasing agents; prescribing contract procedures, amending section 1, chapter 61, Laws of 1945, as amended by section 1, chapter 33, Laws of 1949 and RCW 36.32.240; and amending sections 3 and 4, chapter 61, Laws of 1945 and RCW 36.32.260 and 36.32.270.

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

RCW 36.32.240
amended.

SECTION 1. Section 1, chapter 61, Laws of 1945, as amended by section 1, chapter 33, Laws of 1949, and RCW 36.32.240 are each amended to read as follows:

County purchasing
Department
authorized—
Where mandatory—Competitive bidding.

In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130: *Provided*, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

RCW 36.32.260
amended.

SEC. 2. Section 3, chapter 61, Laws of 1945 and RCW 36.32.260 are each amended to read as follows:

Purchasing agent, when—Duties.

In any county having a purchasing department the board of county commissioners shall appoint a county purchasing agent, who shall be the head of such purchasing department. The county purchasing agent shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or

agency, and shall be placed under such bond as the board may require. The board may establish a central storeroom or storerooms in charge of the county purchasing agent in which supplies and equipment may be stored and issued upon proper requisition by department heads. The purchasing agent shall be responsible for maintaining perpetual inventories of supplies and equipment and shall at least yearly, or oftener when so required by the board, report to the county commissioners a balancing of the inventory record with the actual amount of supplies or equipment on hand.

Sec. 3. Section 4, chapter 61, Laws of 1945 and RCW 36.32.270 are each amended to read as follows:

RCW 36.32.270
amended.

In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the board of county commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

Emergency
purchases.

Passed the Senate February 25, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 170.

[S. B. 17.]

STATE CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS ACCOUNT.

AN ACT relating to state government; creating the charitable, educational, penal and reformatory institutions account in the general fund; making an appropriation; and declaring an emergency.

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

Transfer of funds—
Account created—Source of funds.

SECTION 1. All moneys in the state treasury to the credit of that fund now denoted as the C. E. P. & R. I. fund on and after the effective date of this act, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in the charitable, educational, penal and reformatory institutions account, hereby created, in the state general fund, in which fund shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions.

Fund abolished—
Transition provisions.

SEC. 2. On and after the effective date of this act, the C. E. P. & R. I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C. E. P. & R. I. fund prior to the effective date of this act and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund.

SEC. 3. For the purpose of retiring the bonds issued pursuant to chapter, Laws of 1961 (Senate

Bill No. 481) to finance the construction of the correctional institution established by chapter 214, Laws of 1959 (chapter 72.13 RCW), there is appropriated from the charitable, educational, penal and reformatory institutions account of the general fund to the state building construction bond redemption fund created by chapter 298, Laws of 1957, the sum of seven million five hundred thousand dollars, or so much thereof as may be necessary.

Note: See also section 1, chapter 17, Laws of 1961 extraordinary session.

SEC. 4. This act is necessary for the immediate Emergency. 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 February 28, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 171.

[S. B. 10.]

PRISONERS—LABOR—JAILS—WORK CAMPS.

AN ACT relating to criminal procedure and punishment; providing for the establishment and administration of state, county and city industrial and agricultural farms and forestry and recreational improvement camps; authorizing joint operation of jails; authorizing state operated regional jails; providing for the inspection of all jails; providing for the commitment, discipline and discharge of persons committed to jails; and providing for the employment of persons committed to jails, jail farms or jail camps; amending section 72.64.050, chapter 28, Laws of 1959 and RCW 72.64.050; amending section 72.64.060, chapter 28, Laws of 1959 and RCW 72.64.060; amending section 72.64.030, chapter 28, Laws of 1959 and RCW 72.64.030; amending section 3, chapter 103, Laws of 1917 and RCW 36.63.150; amending section 4, chapter 103, Laws of 1917 and RCW 36.63.160; and adding two new sections to chapter 72.64 RCW.

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

RCW 72.64.030 amended.

SECTION 1. Section 72.64.030, chapter 28, Laws of 1959 and RCW 72.64.030 are each amended to read as follows:

Prisoners required to work.

Every prisoner in the Washington state penitentiary or reformatory or other state penal or correctional institution shall be required to work in such manner as may be prescribed by the director, other than for the private financial benefit of any enforcement officer.

RCW 72.64.050 amended.

SEC. 2. Section 72.64.050, chapter 28, Laws of 1959 and RCW 72.64.050 are each amended to read as follows:

Branch institutions, honor camps for certain purposes.

The director shall also have the power to establish temporary branch institutions for the state penitentiary, state reformatory and other penal and correctional institutions of the state in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest fire

fighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas and other work to conserve the natural resources and protect and improve the public domain and construction of water supply facilities to state institutions.

SEC. 3. Section 72.64.060, chapter 28, Laws of 1959 and RCW 72.64.060 are each amended to read as follows:

RCW 72.64.060 amended.

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090: *Provided*, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The director may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090.

Labor camps authorized—
Type of work permitted.

SEC. 4. There is added to chapter 72.64 RCW a new section to read as follows:

New section.

The director is authorized to establish and operate regional jail camps for the confinement, treatment, and care of persons sentenced to jail terms in excess of thirty days, including persons so imprisoned as a condition of probation. The director shall make rules and regulations governing the eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the director, and if there is in effect a contract entered into pursuant to section 6, renumbered section 5, of this act, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

Regional jail camps authorized for county prisoners.

New section.

SEC. 5. There is added to chapter 72.64 RCW a new section to read as follows:

Contracts, procedure, for housing county prisoners in state regional jail camps.

(1) The director may enter into a contract, with the approval of the director of budget, with any county of the state, upon the request of the sheriff thereof, wherein the director agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the director of budget. Each county shall pay to the state treasurer the amounts found to be due.

(2) The director shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the director until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The director may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

Farms or camps maintained by county, authorized.

SEC. 6. Each county of the state is authorized to establish and maintain, either within or without its territorial limits, farms or camps for confinement, care, treatment and employment of persons sen-

tenced to the county jail as misdemeanants. The sheriff shall adopt reasonable rules and regulations for the transfer of such prisoners from the county jail to a farm or camp and shall also adopt reasonable rules and regulations for the management of such farms and camps.

SEC. 7. Each person convicted of a criminal offense and by reason thereof committed to the county jail, or confined as such at a farm or camp, either as a punishment for such offense, or in satisfaction of any fine unpaid, or upon an order of probation, shall be deemed to have been sentenced or committed to labor. Such labor of not more than forty hours in any week may be performed by such persons upon the public streets, parks, or other public places of the county, or upon or in any farm or camp established under the provisions of this act except in case of emergency, any provision of the laws of the state of Washington to the contrary notwithstanding.

Prisoners deemed sentenced to labor—
Limitations.

SEC. 8. Except as otherwise provided in this amendatory act, whenever it appears to the sheriff of the county that the best interest of a person sentenced to the county jail will be best served by causing his period of confinement to be served at a farm or camp established hereunder, the sheriff shall order that said prisoner be transferred from the county jail to such farm or camp, and the confinement of such person on a farm or camp shall be a proper method of executing any order of the court directing that the person named in the commitment be confined in the county jail of such county: *Provided*, That the sheriff shall at no time cause to be transferred thereto a greater number of persons than can be reasonably accommodated thereon and furnished with constructive employment at such place of confinement.

Committing prisoners to farm or camp deemed confinement.

SEC. 9. All persons judged guilty of an offense punishable by imprisonment in the county jail, may

Confinement in any county jail authorized.

be confined in such jail located in another county to the same extent as if it were located in the county having jurisdiction of the offense.

Confinement of county prisoners in state facilities authorized.

SEC. 10. Notwithstanding any other provisions of law, the sheriff of any county may, with the director of institutions approval, transfer prisoners committed to any jail of the county to any regional jail, industrial or agricultural farm, or any forestry camp maintained by the state.

Prisoner employment in regular job—Authorized.

SEC. 11. (1) The provisions of this section shall be operative in any county in which the board of county commissioners finds by resolution, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible.

(2) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the court may direct that such person be permitted, subject to good conduct, to continue in his regular employment if such person has been regularly employed, or may authorize the sheriff or other appropriate officer to make every effort to secure some suitable employment or may authorize the person to secure employment for himself in the county.

(3) If the court so directs the prisoner be permitted to continue in his regular employment, the sheriff shall arrange for a continuation of such employment insofar as possible. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(4) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(5) The earnings of the prisoner shall be collected by the sheriff, or other appropriate officer. From such earnings the sheriff, or other appropriate officer, shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the sheriff may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

Disposition of earnings.

(6) If approved by the court, the prisoner shall obtain a diminution of one-fourth of his term if his conduct, diligence and general attitude merits such diminution.

Diminution of sentence.

(7) In case of the violation of the conditions laid down for his conduct, custody and employment, he shall be returned to the court, and it may then require that the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

SEC. 12. When there are not adequate jail facilities in a county, the judge of the superior court may, by written order filed with the county clerk, designate the jail of a contiguous county for the confinement of prisoners of his county, or any of them, and may at any time modify or vacate such order.

Court designation of contiguous county jail for confinement.

SEC. 13. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail, including jail farms and camps, to serve such counties.

Joint county jail districts. Authorized.

SEC. 14. Any district organized under sections 14 to 32, renumbered sections 13 to 31, of this act shall have and exercise the powers expressly granted

Powers.

in such sections of this act, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of this act.

Initiation of
district by
resolution—
Contents.

SEC. 15. The board of commissioners of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of this act to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a joint county jail under the provisions of this act for the counties so named.

Transmittal of
initiating reso-
lution—Board
representation.

SEC. 16. When adopted, certified copies of the resolution provided for in section 16, renumbered section 15, of this amendatory act, shall be transmitted to the several clerks of the boards of commissioners in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in section 16, renumbered section 15, of this amendatory act, the board of commissioners of the county adopting the same shall name and appoint two members of the board to represent the county upon the board of directors of the joint district proposed to be organized.

SEC. 17. Upon receipt of the resolution adopted under section 16, renumbered section 15, of this

amendatory act, the boards of commissioners of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matters otherwise required therein, also name and appoint the members of the board of commissioners of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted to the clerk of the board of commissioners initiating the proceedings.

Action by other boards—Resolutions of approval—Board representation.

SEC. 18. The board of commissioners of any county initiating proceedings for the creation of a joint district under this amendatory act shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in section 18, renumbered section 17, of this amendatory act from the board of commissioners of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district. A certified copy of the resolution shall be transmitted to and filed with the secretary of state, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this amendatory act and shall bear the name and designation of "Joint County Jail District No. of the State of Washington."

Resolution of creation—Filed.

SEC. 19. All districts organized under this amendatory act shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the sec-

Districts numbered—Registration list.

retary of state, and the secretary of state shall keep and maintain in his office a list and register showing the joint county jail districts organized under this amendatory act.

Certificate of organization—Copies—Initial board meeting.

SEC. 20. The secretary of state shall furnish and transmit to the clerk of the board of commissioners of the county adopting the initial resolution for the organization of any district under this amendatory act a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within ten days send a certified copy of the certificate to each of the clerks of the several boards of commissioners of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within thirty days after the date of mailing notices thereof. The necessary expense incurred by commissioners in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

Board of directors. Designated.

SEC. 21. The body formed under section 21, re-numbered section 20, of this amendatory act shall be called the board of directors of such district.

Board powers.

SEC. 22. The members of the board of directors may enter into an agreement for and on behalf of the counties appointing them binding said counties to the joint enterprise provided for in this amendatory act and apportioning the cost of establishing and maintaining a joint county jail.

Collecting costs incurred under act.

SEC. 23. All sums found due from any county according to the provisions of this amendatory act

are a charge against said county, and may be collected in the manner provided by law by the board of directors of a district formed under this amendatory act, or, in its behalf by the board of commissioners of any county in the district by an action instituted and tried in any county in the district in which the same may be filed.

SEC. 24. The board of directors may establish the joint county jail provided for in this amendatory act and shall provide for the feeding, care, and treatment of prisoners therein, and must conform to such standards for construction, feeding, clothing, bedding and programming as are imposed pursuant to law on county jails.

Establishing joint county jail as board power.

SEC. 25. Each county in a district formed under this amendatory act shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate to constitute a cash revolving fund to carry on the work and expense of maintaining such joint county jail. Each month a statement of the expense of the joint county jail shall be sent to the board of commissioners of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

Revolving fund—State-ments of expense.

SEC. 26. Convicted persons may be committed to a joint county jail from a county comprising the district the same as if the commitment were to a jail maintained by that county alone.

Commitment to joint county jail.

SEC. 27. The provisions of this amendatory act shall, so far as appropriate, be applicable to a joint county jail established pursuant to this act, and the person appointed by the board of directors to superintend a joint county jail has such powers and duties as has a sheriff, with respect to county jails, under this amendatory act.

Superintendent has powers, duties, as has sheriff.

Jail rules and regulations.

SEC. 28. The board of directors may make rules and regulations for the government of a joint county jail not inconsistent with law.

RCW 36.63.150 amended.

SEC. 29. Section 3, chapter 103, Laws of 1917 and RCW 36.63.150 are each amended to read as follows:

Joint county or joint county jail district and city jails.

Any county or any two or more counties acting jointly or under the provisions of a joint county jail district provision and any city within such county or counties may contract with each other for the joint acquisition, erection, ownership, control, and maintenance of any place of detention of prisoners within the limits of the county or counties and for the custody and the employment upon public works, or as otherwise provided by law, of prisoners convicted of offenses against any statute or any ordinance of the contracting city punishable by a jail sentence.

RCW 36.63.160 amended.

SEC. 30. Section 4, chapter 103, Laws of 1917 and RCW 36.63.160 are each amended to read as follows:

Joint authority and powers.

When such contract has been entered into by any city and county or counties or joint county jail district for the joint acquisition, ownership, control, and maintenance of any jail, or for the custody, and employment of any such persons in a place of detention, the legislative authority of the city and the board of county commissioners of the county, acting under and by virtue of the sentence imposed by the court upon any person so convicted, may provide for the care, keep, and custody of such person in such place of detention, and provide for the employment of such person at or upon such public work, or as otherwise provided by law, as may be designated from time to time.

Joint county jail district dissolution—Procedure.

SEC. 31. A joint county jail district formed under this amendatory act may be dissolved in the following manner:

(1) The board or boards of commissioners of a county or counties containing more than fifty per-

cent of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a joint county jail is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

(2) The resolution or resolutions so adopted shall be communicated to the clerks of the board of commissioners of all the counties comprising the district and also to the secretary of state.

(3) If it appears that the resolution was unanimously adopted by the board or boards of commissioners in the counties desiring to withdraw, and that such county or counties contain more than two-thirds of the entire population in the district, the secretary of state shall thereupon certify to the clerks of the boards of commissioners of the counties composing the district that the district is dissolved.

(4) Thereupon the board of directors of the district shall within ninety days:

- (a) Abolish the joint county jail;
- (b) Return all prisoners therein to the custody of the sheriffs of their respective counties;
- (c) Dispose of all equipment belonging to said joint county jail and the district;
- (d) Render an accounting to the clerks of the boards of commissioners of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;
- (e) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

SEC. 32. The director of institutions shall make or cause to be made at least yearly an inspection of

Director of institutions, duties relating to detention facilities.

all jails and detention facilities, and shall in addition have the following powers and duties:

(1) To establish recommended procedures concerned with the safekeeping, health, and welfare of all prisoners committed to such jails and other local detention facilities;

(2) To prescribe minimum standards for the operation of jails and other local detention facilities, including the training of personnel;

(3) To have authority to recommend the rules and regulations for the control and discipline of the prisoners;

(4) To make such recommendations to the local sheriff and other officials for the improvement of the jail conditions in such area;

(5) To maintain adequate records of such jails and make annual reports to the legislature.

Passed the Senate February 27, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 172.

[S. B. 22.]

COUNTY CUMULATIVE RESERVE FUNDS.

AN ACT relating to county cumulative reserve funds; and amending sections 1 and 2, chapter 51, Laws of 1945 and RCW 36.33.020 and 36.33.030.

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

RCW 36.33.020 amended.

SECTION 1. Section 1, chapter 51, Laws of 1945 and RCW 36.33.020 are each amended to read as follows:

County funds. Cumulative reserve fund —Purpose.

Any board of county commissioners may establish by resolution a cumulative reserve fund in general terms for several different county purposes as well as for a very specific county purpose, includ-

ing that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The resolution shall designate the fund as "cumulative reserve fund for (naming the purpose or purposes for which the fund is to be accumulated and expended)." The moneys in said fund may be allowed to accumulate from year to year until the board of county commissioners of the county shall determine to expend the moneys in the fund for the purpose or purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a majority of the electors of the county at a general or special election to allow other specified uses to be made of said fund.

SEC. 2. Section 2, chapter 51, Laws of 1945 and RCW 36.33.030 are each amended to read as follows:

An item for said cumulative reserve fund may be included in the county's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the board of county commissioners of the county the amount required for the specified purpose or purposes has been raised or accumulated. The board of county commissioners may accept gifts or bequests for the cumulative reserve fund and may make transfers from the current expense fund to the cumulative reserve fund. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided, nor shall moneys in said fund be consid-

RCW 36.33.030
amended.

Tax levies for
fund items in
budget—Con-
tinuing nature
of fund.

ered when computing the limitations on cash balances set out in section 4, chapter 164, Laws of 1923 as last amended by section 1, chapter 145, Laws of 1943 and RCW 36.40.090.

Passed the Senate February 17, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 173.

[S. B. 182.]

PUBLIC SERVICE COMMISSION—ARRESTS—PLATES FOR INTERSTATE CARRIERS—COLLECTION OF EXCISE TAX.

AN ACT relating to the Washington public service commission; amending section 80.04.470, chapter 14, Laws of 1961 (House Bill No. 5), and RCW 80.04.470; amending section 81.04.460, chapter 14, Laws of 1961 (House Bill No. 5), and RCW 81.04.460; and adding a new section to chapter 14, Laws of 1961 (House Bill No. 5), and to chapter 81.80 RCW.

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

RCW 80.04.470
amended.

SECTION 1. Section 80.04.470, chapter 14, Laws of 1961 (House Bill No. 5), and RCW 80.04.470 are each amended to read as follows:

Commission to
enforce public
service laws
—Arrest with-
out warrant.

It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies, the enforcement of which is not specifically vested in some other officer or tribunal. Any employee of the commission may, without a warrant, arrest any person found violating in his presence any provision of this title, or any rule or regulation adopted by the commission: *Provided*, That each such employee shall be first specifically designated in writing by the commission or a member thereof as having been found to be a fit and proper person to exercise such authority. Upon being so designated such person shall be a

peace officer and a police officer for the purposes herein mentioned.

SEC. 2. Section 81.04.460, chapter 14, Laws of 1961 (House Bill No. 5), and RCW 81.04.460 are each amended to read as follows:

RCW 81.04.460 amended.

It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies, the enforcement of which is not specifically vested in some other officer or tribunal. Any employee of the commission may, without a warrant, arrest any person found violating in his presence any provision of this title, or any rule or regulation adopted by the commission: *Provided*, That each such employee shall be first specifically designated in writing by the commission or a member thereof as having been found to be a fit and proper person to exercise such authority. Upon being so designated such person shall be a peace officer and a police officer for the purposes herein mentioned.

Commission to enforce public service laws — Arrest without warrant.

SEC. 3. There is added to chapter 14, Laws of 1961 (House Bill No. 5), and to chapter 81.80 RCW a new section to read as follows:

New section.

Any common carrier or contract carrier who operates any motor vehicle exclusively in interstate commerce between points in this state and points outside the state may, as an alternative to complying with the requirements of RCW 81.80.310, 81.80.314, 81.80.316, and 81.80.317, operate any such motor vehicle, truck, tractor, trailer, or semi-trailer in such interstate commerce without securing a plate or the payment of a plate fee therefor if the carrier secures from the commission, and carries in such form and manner as the commission shall prescribe, an identification card and pays a fee of three dollars for each such card and pays the applicable gross weight fee prescribed by RCW 81.80.310, 81.80.314, 81.80.316, and 81.80.317.

Identification card in lieu of plates.

Fees.

Conversion to card method authorized.

Any carrier who after the effective date of this act desires to avail himself of the alternative provided herein and who has acquired his plate and paid his fee for any piece of motor propelled equipment for the current year may convert to the alternative method provided herein by application to the commission which shall have the power to issue the necessary identification card therefor, accept such additional fee, make such refund or establish such credit as the case may be.

Disposition of fees.

All fees collected hereunder shall be deposited in the state treasury for the credit of the public service revolving fund.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070.

Passed the Senate February 25, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 174.

[S. B. 204.]

EMPLOYEE WELFARE TRUST FUNDS.

AN ACT relating to employee welfare trust funds; amending section 2, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.020; and amending section 3, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.030.

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

RCW 48.52.020 amended.

SECTION 1. Section 2, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.020 are each amended to read as follows:

Employee welfare trust funds. Examination—Costs.

The commissioner may examine each employee welfare trust fund as often as he deems necessary, and the commissioner shall examine each employee welfare trust fund at least once every five years. The commissioner, for the purpose of this section, shall

have the same powers and duties of examination as provided in chapter 48.03: *Provided*, That the costs and expenses of the commissioner and examiners shall be paid by the state, except as provided in RCW 48.52.030.

SEC. 2. Section 3, chapter 8, Laws of 1955 extraordinary session and RCW 48.52.030 are each amended to read as follows:

RCW 48.52.030 amended.

(1) The trustees of every employee welfare trust fund existing within this state shall be responsible for the maintenance of full and accurate records and accounts of the transactions and affairs of such employee welfare trust fund in conformance with generally accepted accounting practices and principles. If such records and accounts are not maintained within this state, then the costs and expenses of the commissioner and examiners provided for in RCW 48.52.020 shall be paid by the employee welfare trust fund being examined in the same manner and to the same extent as is provided in RCW 48.03.060 for examination of insurers.

Records, accounts, reports, as trustees' duties—Inspection, costs—Destruction.

(2) Such trustees shall promptly file with the commissioner a copy of the trust instrument or other instrument by which the employee welfare trust fund is established, together with all amendments thereto. Upon request of the commissioner the trustees shall file with the commissioner such regular and/or special reports concerning the transactions and affairs of such employee welfare trust fund as the commissioner may from time to time deem to be necessary or advisable for carrying out the purposes of this chapter. All such reports shall be open to inspection by the public in the commissioner's office, and when obsolete shall be subject to destruction by the commissioner as provided in RCW 48.02.120.

Passed the Senate February 2, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 175.

[S. B. 352.]

SCHOOL DISTRICT—ATTENDANCE CREDIT.

AN ACT relating to education; and amending section 4, chapter 187, Laws of 1955 as amended by section 7, chapter 297, Laws of 1957, and RCW 28.41.070.

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

RCW 28.41.070 amended.

SECTION 1. Section 4, chapter 187, Laws of 1955 as amended by section 7, chapter 297, Laws of 1957, and RCW 28.41.070 are each amended to read as follows:

Current state fund apportionment. Ascertainment of annual total attendance credit of districts.

The total attendance credit to be allowed to each district shall be ascertained by adding:

(1) The total number of actual days attendance in elementary schools, junior high schools and high schools therein;

(2) An additional one-fifth times the actual days attendance in the seventh, eighth, and ninth grades therein regardless of the school organization plan and regardless of whether such grades are housed in a building or buildings separate from other grades: *Provided*, That the district is offering a junior high school program accredited by the state board of education;

(3) An additional two-fifths times the actual days attendance in the tenth, eleventh and twelfth grades therein regardless of the school organization plan; and such additional two-fifths times the actual days attendance in the ninth grade if the district is not receiving attendance credit under subdivision (2) of this section: *Provided*, That the district is offering a secondary program accredited by the state board of education;

(4) An additional one-fifth times each hour of actual attendance in vocational classes conducted therein if approved for such attendance credit by the state board for vocational education;

(5) Two times the actual days attendance in the thirteenth and fourteenth years in high schools approved for such years of instruction by the state board of education;

(6) Three thousand days attendance for each special service unit in remedial education, guidance, health and other special services designated by the state board of education;

(7) One-fifth days attendance for each hour's actual attendance in night school classes, part time schools, and adult education classes;

(8) One-half day of attendance for each two hours or more of actual attendance in kindergarten.

Passed the Senate March 3, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 176.

[S. B. 384.]

CONSTITUTIONAL AMENDMENTS—NOTICE—
EXPLANATORY STATEMENT.

AN ACT relating to constitutional amendments.

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

SECTION 1. The secretary of state shall cause notice of the constitutional amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and shall supplement publication thereof by radio and television broadcast as provided in RCW 65.16.130, 65.16.140, and 65.16.150.

Constitutional amendments for submission to people, publication of notice of.

SEC. 2. The notice provided for in section 1 shall set forth the following information:

Notice—Contents.

(1) The legal identification of the constitutional amendment.

(2) The official ballot title of the constitutional amendment.

(3) A brief statement explaining the constitutional provisions as it presently exists.

(4) A brief statement explaining the effect of the proposed constitutional amendment should it be approved.

(5) The total number of votes cast for and against the measure in both the state senate and house of representatives.

Explanatory
statements.
Preparation.

SEC. 3. The attorney general shall, by the first day of July preceding each general election, prepare the explanatory statements required in section 2. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the constitutional amendment, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the constitutional amendment, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this act. The decision of the superior court shall be final and its explanatory statement shall be the established ex-

Objections to
procedure.

Court to
certify, file, its
statement.

planatory statement. Such appeal shall be heard without costs to either party.

Passed the Senate February 24, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 177.

[S. B. 131.]

RAILROADS—PENALTIES FOR VIOLATING SANITATION, SHELTER RULES.

AN ACT relating to transportation; providing penalties for failure of railroad companies to comply with regulations of public service commission regarding sanitation and shelter; and adding two new sections to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW.

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

SECTION 1. There is added to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW a new section to read as follows:

New section.

In addition to all other penalties provided by law, every railroad company subject to the rules and regulations promulgated by the commission pursuant to RCW 81.40.095, and every officer, agent or employee of any such railroad company who violates or who procures, aids or abets in the violation of any provision of the rules and regulations of the commission promulgated pursuant to RCW 81.40.095 shall incur a penalty of one hundred dollars for every such violation: *Provided, however,* That any such penalty shall commence running only after notice of such violation shall have been issued by the commission to the violating party.

Violations of sanitation, shelter rules—Penalty.

Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation.

Every act or commission or omission which pro-

cures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

New section.

SEC. 2. There is added to chapter 81.40, chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 81.40 RCW a new section to read as follows:

Penalties.
Enforcement
of—Mitigation.

The penalty provided in section 1 shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in section 1 or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

Actions for.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided.

Disposition of
moneys
received as
penalties.

All penalties recovered under this section shall be paid into the state treasury and credited to the public service revolving fund.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 178.

[Sub. S. B. 147.]

PUBLIC LANDS—STATE RESOURCE MANAGEMENT COST ACCOUNT.

AN ACT relating to public lands; creating a resource management cost account in the state general fund; prescribing the purposes for which it may be expended; authorizing deductions from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way affecting public lands for the resource management cost account; providing for the adoption of rules; and declaring an emergency.

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

SECTION 1. As used in this act:

Definitions.
"Account".

(1) "Account" means the resource management cost account in the state general fund.

"Department".

(2) "Department" means the department of natural resources.

"Board".

(3) "Board" means the board of natural resources of the department of natural resources.

"Rule".

(4) "Rule" means rule as the same is defined by RCW 34.04.010.

(5) The definitions set forth in RCW 79.01.004 shall be applicable.

SEC. 2. A resource management cost account in the state general fund is hereby created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering public lands and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights of way as authorized under the provisions of Title 79 RCW. Appropriations from the account shall be expended for no other purposes.

Resource management cost account. Created—Purpose.

SEC. 3. Funds in the account derived from the gross proceeds of leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting school lands, university

Limitation on use of funds from particular trust.

lands, agricultural college lands, scientific school lands, normal school lands, capitol building lands, or institutional lands shall be expended by the department solely for the purpose of defraying the costs and expenses necessarily incurred in managing and administering public lands of the same trust.

Deductions allowable from transactions—Maximum.

SEC. 4. The board shall determine the amount deemed necessary in order to achieve the purposes of this act and shall provide by rule for the deduction of this amount from the gross proceeds of all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands. The deductions authorized under this section shall in no event exceed twenty percent of the total sum received by the department in connection with any one transaction.

Disposition of gross proceeds from transactions.

SEC. 5. All deductions from gross proceeds made in accordance with section 4 of this act shall be paid into the account and the balance shall be paid into the state treasury to the credit of the fund otherwise entitled to the proceeds.

Rules and regulations.

SEC. 6. The board shall adopt such rules as it deems necessary and proper for the purpose of carrying out the provisions of this act.

Severability.

SEC. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Expiration date.

SEC. 8. This act shall expire on June 30, 1967.

Emergency.

SEC. 9. 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 2, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 179.

[S. B. 213.]

STATE CIVIL SERVICE—EXEMPTIONS.

AN ACT relating to state government and the civil service system of personnel administration; and amending section 7, chapter 1, Laws of 1961 (uncodified) (Initiative Measure No. 207).

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

SECTION 1. Section 7, chapter 1, Laws of 1961 (uncodified) (Initiative Measure No. 207) is amended to read as follows:

1961 c 1 § 7
amended.

The provisions of this act do not apply to:

Civil service
system of per-
sonnel admin-
istration.
Exclusions
under.

(1) The members of the Legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the Legislative Council, Legislative Budget Committee, Statute Law Committee, and any interim committee of the Legislature;

(2) The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

(3) Academic personnel of the institutions of higher learning and other such positions as are exempted under provisions of section 5 of this act;

(4) The officers of the Washington State Patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the Departments of Employment Security, Health, Fisheries, Institutions and Public Assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the Governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof

are elected, appointed by the Governor or other authority, serve ex officio, or are otherwise chosen;

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant Attorneys General;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time or temporary employees, and part time professional consultants, as defined by the State Personnel Board or the Board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington State Fruit Commission;

(15) Officers and employees of the Washington State Apple Advertising Commission;

(16) Officers and employees of the Washington State Dairy Products Commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW.

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (Senate Bill No. 305).

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (Substitute House Bill No. 389).

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 180.

[Sub. S. B. 247.]

LABOR DISPUTES—LIMITATION ON RECRUITING REPLACEMENT EMPLOYEES.

AN ACT relating to labor disputes and the obtaining of employees; and prescribing penalties.

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

SECTION 1. It shall be unlawful for any person, firm or corporation not directly involved in a labor strike or lockout to recruit and bring into this state from outside this state any person or persons for employment, or to secure or offer to secure for such person or persons any employment, when the purpose of such recruiting, securing or offering to secure employment, is to have such persons take the place in employment of employees in a business owned by a person, firm or corporation involved in a labor strike or lockout, or to have such persons act as pickets of a business owned by a person, firm or corporation where a labor strike or lockout exists: *Pro-*

Recruiting out-of-state employee replacements where labor dispute unlawful.

vided, That this act shall not apply to activities and services offered by or through the Washington employment security department.

Penalty.

SEC. 2. Any person violating the provisions of this act shall be guilty of a gross misdemeanor.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 181.

[S. B. 250.]

TOLL FACILITY AID DISTRICTS.

AN ACT relating to toll facility aid districts; and repealing sections 47.57.010 through 47.57.220 and 47.57.900, chapter 13, Laws of 1961 (House Bill No. 3) and RCW 47.57.010 through 47.57.220 and RCW 47.57.900.

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

"Authority",
"toll bridge
authority".

SECTION 1. "Authority" or "toll bridge authority" means the Washington toll bridge authority.

"District".

SEC. 2. Unless the context indicates otherwise "district" means a toll facility aid district.

"Contiguous
counties".

SEC. 3. "Contiguous counties" include those counties separated by any waters of this state.

Principal
county".

SEC. 4. "Principal county" means the county of that part of the proposed district in which the largest number of inhabitants reside as of the date incorporation proceedings are commenced.

"Principal"
officials and
boards defined.

SEC. 5. "Principal county auditor", "principal board of county commissioners", "principal county canvassing board", and "principal county officer" mean respectively those officers in the principal county.

SEC. 6. "Toll facility" or "the toll facility" means a single toll project or any extension or improvement thereof. "Toll facility".

SEC. 7. Toll facility aid districts, to be composed of a part or all of one or more contiguous counties including the incorporated cities and towns therein, may be incorporated in accordance with this chapter for any of the following purposes: Toll facility aid districts.
Purpose of incorporation.

(1) To pay or guarantee the payment of the principal and interest of any bonds or refunding bonds issued by the Washington toll bridge authority to finance or refinance any toll facility which will benefit the territory encompassed by such district; or

(2) To pay a portion of the cost of any toll project financed in part by the sale of bonds by the Washington toll bridge authority when such toll facility will benefit the territory encompassed by such district.

SEC. 8. The Washington toll bridge authority may initiate proceedings proposing the creation of a district by adopting a resolution stating: Resolution initiating
—Contents.

(1) That the public interest requires the construction, improvement or refinancing of a toll highway, tunnel, bridge or ferry system and that such project can be financed or refinanced principally from toll revenues.

(2) A general description of such toll facility.

(3) That a certain described territory encompassing a part or all of one or more counties will be benefited by the construction, improvement or refinancing of the toll facility.

(4) That in order to make the toll facility financially feasible, or to refinance an existing toll facility, one or both of the following will be required from a district to be formed for such purpose:

(a) Either general obligation bonds or a sum of money in an amount to be specified will be required to be placed in trust for the purpose of payment or

guaranteeing the payment of principal and interest on bonds or refunding bonds issued by the authority to the extent that revenues of the project are insufficient therefor;

(b) A sum of money to be specified will be required to pay a portion of the cost of the project or to retire existing outstanding bonds issued by the authority.

The resolution of the authority shall further request the board of county commissioners of each county named therein to proceed to form a toll facility aid district for the purpose stated.

Copies of resolution transmitted.

SEC. 9. The secretary of the authority shall transmit certified copies of the resolution to the board of county commissioners of each of the counties named in the resolution.

Public hearing—Notice, contents.

SEC. 10. Upon receipt of a copy of the resolution, the principal board of county commissioners, with the consent and approval of the other boards of county commissioners involved, shall fix a date and place for a public hearing to be not more than sixty days after receipt of the authority's resolution. Said board shall further direct its clerk to prepare a notice of hearing on the resolution which shall state:

- (1) The full text of the authority's resolution;
- (2) The time and place for a hearing on the resolution; and
- (3) That written requests for exclusion, and all persons wishing to be heard on the matter of the size, shape and establishment of the boundaries of the proposed district, will be heard and considered.

Notice of hearing transmitted—Publication of.

SEC. 11. A copy of the notice of hearing shall be transmitted to each board of county commissioners involved and each such board shall direct its clerk to cause the notice to be published once a week for two consecutive weeks in a newspaper of general circulation within its county.

SEC. 12. Upon the day specified the respective boards of county commissioners, under the direction of the principal board of county commissioners, shall jointly hear the resolution and any objections thereto. The hearing may be adjourned from place to place and from time to time, for not more than two months in all.

Hearing on resolution.

SEC. 13. If upon final hearing the respective boards find that any land has been unjustly or improperly included within the proposed district, the respective boards may change and fix the boundary lines of the part of the proposed district within their respective counties in such manner as they deem reasonable and just, and each board shall thereupon enter an order establishing and defining the boundary lines of the proposed district within its respective county. No territory not described in the authority's resolution shall be included within the boundaries of the proposed district.

Boundary changes fixed at final hearing.

SEC. 14. Each board of county commissioners shall, for the area within its county, at its first regular meeting after the final hearing, by resolution establish and define the boundaries of the proposed district and shall transmit such resolution to the toll bridge authority forthwith.

Adoption of resolution by individual boards.

SEC. 15. At any time within thirty days following the passage of the resolutions required by section 14, the toll bridge authority may by resolution stay any further proceedings for the formation of the district in order to determine if sufficient territory remains within the boundaries as established to form a feasible toll facility aid district. The authority after investigation may by resolution either vacate its stay of proceedings or finally terminate all proceedings for the creation of such district.

Action by authority to vacate stay of proceedings or terminate proceedings.

SEC. 16. In the event the authority shall find that sufficient territory remains to form a feasible toll

Resolution of incorporation.

facility aid district, it may, by resolution, declare such territory to be incorporated as (inserting name of the toll facility) aid district.

Filing resolution of incorporation.

SEC. 17. The incorporation of the district shall be complete upon the filing of a certified copy of the authority's resolution declaring it so in the office of the secretary of state.

Alternative and additional method.

SEC. 18. Sections 19 through 23 are declared to be an alternative and additional method of completing the incorporation of a toll facility aid district following the approval of boundaries by the respective boards of county commissioners as provided in section 14.

Election method of incorporating toll facility aid district.

SEC. 19. Within thirty days after the establishment of the boundaries of the district or the vacation of any stay of proceedings by the Washington toll bridge authority, the principal board of county commissioners, after consulting each other board of county commissioners involved, shall, by resolution, call an election to be held in the proposed district for the purpose of determining whether or not the district shall be formed.

Election resolution—Contents.

SEC. 20. The resolution calling the election shall:

- (1) Fix the day of the election, which shall be within six months after the date of the order.
- (2) Show the boundaries of the proposed district.
- (3) State the ballot proposition which shall be in substantially the following form:

“Formation of toll facility aid district

“Shall a toll facility aid district be established for the area described in a resolution of the board of county commissioners of (insert name of principal county) county adopted on the day of, 19....., to be known as (insert name of the toll facility) aid district.

YES.....
NO.....”

This resolution shall be entered in the minutes of the board and shall be conclusive evidence of the fact that all steps preliminary to the making of the order, including the hearing of the toll bridge authority's resolution and establishment of the boundaries of the district have been properly taken.

SEC. 21. The principal board of county commissioners, with the cooperation and approval of the toll bridge authority, may prepare, and in the same resolution direct, that there be submitted to the voters of the proposed district at the same election, a proposition authorizing a tax levy, or bond issue, or both as may be necessary to provide the financial assistance required for the toll project. Any such proposal submitted to the voters of the district after its formation shall be initiated by the board of directors of the district but only with the cooperation and approval of the toll bridge authority.

Election—Tax
levy or bond
issue
proposal.

SEC. 22. A certified copy of the resolution calling the election shall be transmitted forthwith by the clerk of the principal board of county commissioners to the auditor of each county affected.

Election
resolution
transmitted.

SEC. 23. The principal county auditor shall cause an election to be held within the boundaries so established to determine whether the area described shall be established as a toll facility aid district and to submit any proposition for an excess tax levy or bond issue certified for the election by resolution of the principal board of county commissioners. The election shall be conducted by the principal county auditor in accordance with the general election laws of the state. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties.

Scope of
election—
Conduct.

SEC. 24. The notice of election shall be given by the principal county auditor as provided by RCW

Notice of
election.

29.27.080, and shall describe the boundaries of the proposed district, its name and the ballot title of any tax or bond measure to be voted upon.

Post election procedure.

SEC. 25. The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If, at the election, a majority of those voting thereat in the entire district favor incorporation, the respective boards of county commissioners acting jointly shall, by resolution, declare such territory to be incorporated as aid district (inserting the name appearing on the ballot) and such resolution shall be entered in the minute record of each board: *Provided*, That, if at such election any tax or bond measure essential for the purposes of the district fails to pass, the respective boards of county commissioners, voting as units, may by a joint resolution adopted by majority vote, terminate all proceedings for the formation of the district. In such case if there be a tie vote for and against such resolution, the vote of the principal board of county commissioners shall control.

Completed incorporation by election method, when.

SEC. 26. The incorporation of the district shall be complete upon the filing of a certified copy of the joint resolution of the boards of county commissioners declaring it so in the office of the secretary of state.

Costs borne depend upon incorporation decision.

SEC. 27. If the district is successfully incorporated, all costs incurred shall be borne by the district, but otherwise, all costs incurred shall be borne proportionately by each county in that ratio which the assessed valuation of property within that part of each county forming a part of the proposed district bears to the total assessed valuation of property within the boundaries of the whole of the proposed district.

SEC. 28. For the purpose of providing for the operation and maintenance of the district, including costs of incorporating, and for the purpose of providing financial assistance to a toll facility as requested by a toll bridge authority resolution, there may be submitted a proposition to the voters residing within the district, authorizing the district to levy at the earliest time permitted by law on all property located in the district, a general tax for one year, in excess of the forty mill tax limitation provided by law. Such proposition to be effective must be approved by a majority of at least three-fifths of those voting on the proposition and the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the district at the last preceding general election.

Election on tax levy—
Minimum approval necessary.

SEC. 29. Such tax levies shall be apportioned, levied and collected insofar as possible as provided for the apportionment, levy and collection of taxes in joint school districts.

Apportioning, levying, collecting tax, method.

SEC. 30. The proceeds of such tax levies shall be deposited by the treasurer of the principal county in the toll facility aid fund to be used for the necessary operating expenses of the district, including the costs of incorporating the district, and for the purposes of providing financial assistance to the toll facility as requested by a toll bridge authority resolution. Such fund shall be disbursed by the district treasurer upon warrants signed by the auditor of the principal county and authorized by the board of directors of the district.

Disposition of tax levies.

SEC. 31. For the purpose of providing financial assistance to a toll facility as requested by a toll bridge authority resolution, the district may authorize and issue general obligation bonds not to exceed an amount equal to two percent of the assessed valuation of the taxable property within the district.

Bonds authorized—
Election on—
Minimum approval necessary.

Issuance of such bonds shall be authorized at an election which shall provide for the payment of the principal and interest of such bonds by annual levies in excess of the forty mill tax limitation provided by law. The proposition to issue any such bonds and to exceed the tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the district at the last preceding general election.

**Bonds—Sale
of.**

SEC. 32. Bonds so authorized shall be sold in such amounts and in such manner, by the board of directors, as may be required for the purposes of the district. Such bonds authorized and issued may be deposited with the toll bridge authority or a trustee designated by the authority and sold by the toll bridge authority when required to meet the financial guarantee or other undertaking of the district.

**Bonds—Form
—Interest—
Attestation—
Redeeming.**

SEC. 33. Bonds authorized by section 28 shall be serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The proposition authorizing the issuance of the bonds shall fix the rate of interest the bonds shall bear at not to exceed six percent per annum, and the place and time (from date of sale) of payment of principal and interest, the bonds shall be signed by the chairman of the board of directors of the district and attested by the executive secretary. Coupons in lieu of being signed may bear the facsimile signature of such officers.

All district bonds shall be payable within a period not to exceed twenty-three years from the date of their sale.

**Bonds—Regis-
tration—
Indorsement.**

SEC. 34. Each bond so issued must at the time of sale be registered by the county treasurer of each

county in which any part of the district may lie. Such registration shall be made in a book to be kept for that purpose, and must show the number and such data as is necessary to secure a complete record of each bond, the series and amount of each bond, the person to whom the same is issued and sold and the name of the district issuing the same. Before sale, each bond shall be indorsed by the treasurer, with his name and a statement showing the number and series of the bond.

SEC. 35. The bonds shall be sold pursuant to a resolution of the board of directors of the district or in cases where bonds are issued and deposited with the toll bridge authority, then pursuant to resolution of the toll bridge authority.

Bonds—Sale pursuant to resolution.

SEC. 36. Notice of sale shall be published by the principal county treasurer in accordance with the resolution directing the sale of bonds and shall be made in the form and manner prescribed for publishing notice of sale of school district bonds.

Bonds—Notice of sale.

SEC. 37. The provisions for sale, readvertisement and sale and delivery of bonds to purchasers as contained in chapter 28.51 RCW governing sale of school district bonds shall apply to the sale of district bonds.

Bonds—Procedure in chapter 28.51 RCW to apply.

SEC. 38. Fees for advertising shall first be deducted from the proceeds of the sale of district bonds and the balance paid forthwith to the secretary of the toll bridge authority or trustee designated by the toll bridge authority to be used for the purposes for which the bonds were issued.

Bonds—Disposition of proceeds from sale of.

SEC. 39. The various annual maturities of such bonds shall commence with the second year after the date of their sale and shall, as nearly as practicable, be in such amounts as will, together with the interest on all outstanding bonds sold, be met by an equal annual tax levy for the payment of such bonds and interest.

Bonds—Maturities, tax levies for.

Bonds—Tax levies for redemption—Transmission, disposition of moneys.

SEC. 40. The board of county commissioners of every county in which any part of the district may lie, shall levy at a uniform rate the taxes for bond interest and bond redemption, and the treasurer of each county other than the principal county, shall transmit to the treasurer of the principal county all money in his possession derived from these taxes at least five days before the time at which bonds or the interest thereon must be paid. The county treasurer of the principal county shall issue receipts in duplicate to the remitting treasurers. He shall place the money so received to the credit of the district's bond redemption fund.

Bonds—As legal investments for public funds.

SEC. 41. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits, and be fully negotiable instruments.

District board of directors. Members—Terms.

SEC. 42. The powers of the district shall be exercised by a board of directors which shall be composed of one county commissioner selected by each board of county commissioners of the counties in which any part of the district lies. The members of the first board of directors shall hold office until the following July 1. On such date and annually thereafter, the respective boards of county commissioners shall each select one of their members to serve on the board of directors of the district for the ensuing year. If during his term, any member of the board of directors shall cease to be a member of the board of county commissioners which selected him such board of county commissioners shall appoint another of its members to fill the unexpired term on the district board of directors.

Board officers, proceedings.

SEC. 43. The board of directors of the district shall elect from its members, a chairman, and shall, by resolution, adopt rules governing the transaction

of district business, and adopt a seal. All proceedings of the board of directors shall be by motion or resolution, recorded in its minute books, which shall be public records. The board of directors shall select and appoint an executive secretary who, subject to the policies prescribed by the board, shall carry out the administrative functions of the district. The treasurer of the principal county shall be the district treasurer.

SEC. 44. Members of the board of directors shall receive no compensation for holding such office but shall receive their actual necessary traveling and other expenses in attending district meetings and discharging other district duties.

Board reim-
bursement for
expenses.

SEC. 45. On or before the third Monday in June of each year, the board of directors shall adopt a budget for the following calendar year. Such budget shall provide only for operation and administration expenses of the district, including any costs of incorporation incurred but not paid. If no revenues will be available to the district for operation and administration expenses in the following year, the amount required for such purposes as shown in the budget shall be obtained from the counties in which any part of the district may lie. Expenditures made to provide financial assistance to a toll facility as requested by a toll bridge authority resolution shall not be included in the budget.

District
budget—
Scope.

SEC. 46. Each county shall pay such proportion of the operation and administration expenses of the district for which no other revenues are available as the assessed valuation of property within that part of each county lying within the district bears to the total assessed valuation of property within the boundaries of the whole of the district. The board of directors of the district shall certify to each county prior to the fourth Monday in June of each year the share of the operation and administration

County share
in district
administration
expenses.

budget to be paid by each county for the next calendar year. Each county shall then include such amount in its budget for the next ensuing calendar year, and during such year shall pay to the district the amount of its share: *Provided*, That the total amount to be paid by any one county, exclusive of its share of costs of incorporation, shall not exceed ten thousand dollars in any calendar year.

Subsequent
district
elections for
facility
financial
assistance,
procedure.

SEC. 47. Subsequent to the formation of the district and authorization by a district of any initial financial assistance to the toll facility, the toll bridge authority may by resolution request additional financial assistance from the district for the toll facility and the board of directors of the district may, in their discretion, submit to a vote of the electors residing within the district additional millage or bond measures for the purpose of financially assisting the toll facility.

Dissolution
of district—
Distribution
of unexpended
funds.

SEC. 48. When the purposes for which a district has been created no longer exist and all obligations of the district have been fully discharged, the board of directors of the district may in its sound discretion by resolution dissolve the district. Upon dissolution of a district any unexpended funds in the district treasury shall be distributed to each of the counties of the district in proportion as the assessed valuation of property within that part of such county lying within the district bears to the total assessed valuation of property within the boundaries of the whole district.

Repeal.

SEC. 49. Sections 47.57.010 through 47.57.220 and 47.57.900, chapter 13, Laws of 1961 (House Bill No. 3) and RCW 47.57.010 through 47.57.220 and RCW 47.57.900 are each repealed.

Passed the Senate February 18, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 182.

[S. B. 312.]

PUBLIC LIVESTOCK MARKETS.

AN ACT relating to public livestock markets; amending section 1, chapter 107, Laws of 1959 and RCW 16.65.010; amending section 3, chapter 107, Laws of 1959 and RCW 16.65.030; amending section 8, chapter 107, Laws of 1959 and RCW 16.65.080; repealing and reenacting section 20, chapter 107, Laws of 1959 and RCW 16.65.200; amending section 40, chapter 107, Laws of 1959 and RCW 16.65.400; repealing and reenacting section 42, chapter 107, Laws of 1959 and RCW 16.65.420; adding three new sections to chapter 16.65 RCW; and declaring an emergency.

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

SECTION 1. Section 1, chapter 107, Laws of 1959 and RCW 16.65.010 are each amended to read as follows:

RCW 16.65.010
amended.

For the purposes of this chapter:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment: *Provided*, That it does not include a farmer selling his own livestock on his own premises by auction or any other method, or a farmers cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under such association's management and responsibility, and such special sale has been approved by the director in writing: *Provided*, That such special sale shall be subject to brand and health inspection re-

"Public
livestock
market".

quirements as herein provided for sales at public livestock markets.

"Department". (2) "Department" means the department of agriculture of the state of Washington.

"Director". (3) "Director" means the director of the department or his duly authorized representative.

"Licensee". (4) "Licensee" means any person licensed under the provisions of this chapter.

"Livestock". (5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, and goats.

"Person". (6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

"Stockyard". (7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: *Provided*, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

"Packer". (8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing meat or meat products for sale, marketing meat, meat food products or livestock products.

"Deputy state veterinarian". (9) "Deputy state veterinarian" means a graduate veterinarian authorized to practice in the state of Washington and appointed or deputized by the director as his duly authorized representative.

RCW 16.65.030 amended. SEC. 2. Section 3, chapter 107, Laws of 1959 and RCW 16.65.030 are each amended to read as follows:

Public livestock markets. License required—Application, contents—Fee. On and after the effective date of this chapter no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal

thereof shall be in writing on forms prescribed by the director, and shall include the following:

(1) A legal description of the property upon which the public livestock market shall be located.

(2) A complete description and blueprints or plans of the public livestock market physical plant, yards, pens and all facilities the applicant proposes to use in the operation of such public livestock market.

(3) A detailed statement showing all the assets and liabilities of the applicant.

(4) The schedule of rates and charges the applicant proposes to impose on the owners of livestock for services rendered in the operation of such livestock market.

(5) The weekly or monthly sales day or days on which the applicant proposes to operate his public livestock market sales.

(6) Such other information as the director may reasonably require.

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with the provisions of this act, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this act shall only be valid at location and for the sales day or days for which the license was issued.

SEC. 3. Section 8, chapter 107, Laws of 1959 and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any

RCW 16.65.080
amended.

Denial, sus-
pension,
revocation of
license—
Procedure—
Appeal.

licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; (c) has violated any laws of the state that require health or brand inspection of livestock; (d) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this act.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, to-

gether with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

SEC. 4. Section 20, chapter 107, Laws of 1959 and RCW 16.65.200 are each repealed and reenacted to read as follows:

RCW 16.65.200
repealed,
reenacted.

Before the license is issued to operate a public livestock market, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this act and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market: *Provided*, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on the effective date of this act, in a sum equal to or greater than the sum required under the provisions of this act, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this act.

Licensee's
bond to
operate
market.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked

for cause or otherwise cancelled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of chapter 19.72.110 RCW concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in chapter 19.72.110 RCW concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

RCW 16.65.400 amended.

Weighing of livestock.

SEC. 5. Section 40, chapter 107, Laws of 1959 and RCW 16.65.400 are each amended to read as follows:

(1) Each licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.

(2) All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder.

(3) All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.

(5) The scale ticket shall have the weights mechanically imprinted upon such tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate, for all livestock weighed at a public livestock market. A

copy of such weight tickets shall be issued to the buyer and seller of the livestock weighed.

SEC. 6. Section 42, chapter 107, Laws of 1959 and RCW 16.65.420 are each repealed and reenacted as follows:

RCW 16.65.420 repealed, re-enacted.

(1) Any application for a sales day or days for a new salesyard, and any application for a change of sales day or days or additional sales day or days for an existing yard shall be subject to approval by the director, subsequent to a hearing as provided for in this act and the director is hereby authorized to allocate these dates. In considering the allocation of such sales days, the director shall give appropriate consideration, among other relevant factors, to the following:

Change of sale date—Application for special sale.

- (a) The geographical area which will be affected;
- (b) The conflict, if any, with sales days already allocated in the area;
- (c) The amount and class of livestock available for marketing in the area;
- (d) Buyers available to such market;
- (e) Any other conditions affecting the orderly marketing of livestock.

(2) No special sale shall be conducted by the licensee unless the licensee has applied to the director in writing fifteen days prior to such proposed sale and such sale date shall be approved at the discretion of the director.

SEC. 7. There is hereby added to chapter 16.65 RCW the following new section:

New section.

The director shall hold public hearings upon a proposal to promulgate any new or amended regulations and all hearings for the denial, revocation, or suspension of a license issued under this act or in any other contested case, and shall comply in all respects with chapter 34.04 RCW (administrative procedures act) as now enacted or hereafter amended.

Chapter 30.04 RCW to apply to hearings.

Emergency.

SEC. 8. This act is necessary for the immediate preservation of the public health, safety and welfare, the support of the agricultural industry of the state, and shall take effect immediately.

Passed the Senate February 24, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 183.

[S. B. 331.]

JUVENILE CORRECTIONAL INSTITUTION IN KING COUNTY.

AN ACT relating to the establishment and construction of a correctional institution for juveniles committed to the department of institutions, division of children and youth services.

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

Correctional institution established—Where—Preliminary procedure.

SECTION 1. There is hereby established under the supervision and control of the director of the department of institutions a correctional institution for the confinement and rehabilitation of juveniles committed by the juvenile courts to the department of institutions, division of children and youth services. Such institution shall be situated upon lands within King county, to be selected by the director of institutions under conditions as herein provided. The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services.

Acquisition of site.

SEC. 2. As a site for the juvenile correctional institution, the director is hereby authorized to use any suitable tract or parcel of real property which is: (1) publicly owned and/or (2) acquired by gift. And for that purpose the director may enter into contracts to take title to real property in the name

of the state. The director may accept or reject any and all offers for the donation of real property when in his discretion such land is not suitable for the purposes and objects of such institution, or is remotely located in such degree as would be disadvantageous, in view of the needs and purposes of such institution. In the event that the director determines that any offers for the donation of real property are not desirable, as herein provided, as a site for the juvenile correctional institution, then the director may acquire real property for such site by purchase or condemnation proceedings.

SEC. 3. When title to the land selected by the director, as provided in this chapter, has vested in the state, the director shall, upon the completion of plans and specifications for such institution, publish a call for bids, as provided by law, and enter into a contract for the construction of such institution: *Provided*, That no contract shall be entered into for the construction of such institution until such time as an appropriation for that purpose has been made by the legislature.

Construction
contract—
Limitation.

SEC. 4. The director may make, amend and repeal rules and regulations for the administration of the juvenile correctional institution established by this act in furtherance of the provisions of this chapter and not inconsistent with law.

Rules and
regulations
for institution.

SEC. 5. There is hereby established a site advisory commission to be composed of six members, to aid and assist the director of institutions in the selection of a suitable site for the location of the juvenile correctional institution herein authorized, the members to serve until the site be acquired. The members of the site advisory commission shall be composed of three members of the state house of representatives to be appointed by the speaker, and three members of the state senate to be appointed by the president of the senate. The members of

Site advisory
commission—
Members—
Per diem.

the commission, as soon as may be convenient after their appointment, shall elect one of their members to serve as chairman. Each member shall receive twenty dollars per diem for each day spent in the performance of the duties of the commission and mileage at the rate of ten cents per mile.

Passed the Senate March 3, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 184.

[S. B. 321.]

STATE OFFICE AND WAREHOUSE SPACE AND FACILITIES.

AN ACT relating to state government; amending sections 1, 2, 4, 11 and 12, chapter 255, Laws of 1959 and RCW 43.82.010, 43.82.020, 43.82.040, 43.82.110, and 43.82.120; adding two new sections to chapter 43.82 RCW; repealing sections 1 through 3, chapter 210, Laws of 1957 and RCW 43.19.126 through 43.19.128, and repealing sections 15, 16 and 17, chapter 178, Laws of 1959 and RCW 43.19.1929 through 43.19.1933.

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

RCW 43.82.010 amended.

SECTION 1. Section 1, chapter 255, Laws of 1959 and RCW 43.82.010 are each amended to read as follows:

State agency housing. Acquisition of sites, etc., construction of buildings— Leasing of facilities— Rental.

The director of the department of general administration, as agent for the agency involved, shall purchase, lease or rent all real estate, improved or unimproved, needed for any offices, warehouses and similar purposes as may be required by elected state officials, institutions, departments, commissions and other state agencies: *Provided*, The director may delegate any or all of these functions to any agency upon such terms and conditions as he deems advisable: *Provided further*, That this section shall not apply to the acquisition of real estate by the col-

leges and universities for research or experimental purposes.

The director is also authorized to purchase, lease or rent improved or unimproved real estate as owner or lessee, and to lease or sublet all or a part of such real estate to state agencies. The director shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

In order to obtain maximum utilization of space, the director shall make space utilization studies, and shall establish standards for use of space by state agencies.

The director may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his management.

All contracts to purchase, lease or rent shall be approved as to form by the attorney general.

SEC. 2. Section 2, chapter 255, Laws of 1959 and RCW 43.82.020 are each amended to read as follows:

RCW 43.82.020 amended.

The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

Approval when acquisition, use, in Thurston county.

SEC. 3. Section 4, chapter 255, Laws of 1959 and RCW 43.82.040 are each amended to read as follows:

RCW 43.82.040 amended.

To provide funds for the acquisition of real estate, the improvement of existing facilities thereon, the construction of buildings, the acquisition of furnishings and equipment therefor, and to pay interest on the revenue bonds authorized to be issued by this chapter during the estimated period of such improvement or construction and for six months after

Revenue bonds, coupons—Authorized, issuance, payment, etc.

completion of such improvement or construction, if required, there shall be issued and sold revenue bonds of the state of Washington as determined to be necessary by the director of the department of general administration, but not in excess of the amounts appropriated or reappropriated for expenditures under the terms of this chapter.

The issuance and sale of the bonds shall be under the supervision and control of the state finance committee. The state finance committee, in its discretion, may provide for the issuance of coupon or registered bonds to be dated, issued, and sold at the request of the director at such time or times and in such amount or amounts as may be necessary to finance the program authorized in this chapter.

Each bond shall be made payable at any time not exceeding forty years from date of issuance, with such reserved rights of prior redemption, bearing such rate of interest, payable semiannually or annually, and with such terms, conditions, and covenants to safeguard the security and the rights of the holders thereof, including any provision for reserves, as the state finance committee may prescribe to be specified therein. The bonds may be payable at such places and be in such denominations as the committee may prescribe. All such bonds shall be fully negotiable.

RCW 43.82.110 amended.

SEC. 4. Section 11, chapter 255, Laws of 1959 and RCW 43.82.110 are each amended to read as follows:

Lease of space
—General
administration
bond redemp-
tion fund—
Pledge of
rentals.

All office or other space made available through the provisions of this chapter shall be leased by the director to such state agencies, for such rental, and on such terms and conditions as he deems advisable: *Provided*, However, if space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director

shall determine said space is surplus, and upon such other terms and conditions as he may prescribe.

There is hereby created within the treasury a special fund to be known as the "general administration bond redemption fund" in which all pledged rentals shall be deposited. In the event bonds are issued for more than one project, the rentals from each project will be maintained as separate accounts. The funds in this account or accounts shall be used to meet principal and interest payments when due on the bonds issued to finance the specific project for which each such account was created until all of such bonds and interest thereon have been paid.

The bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on the rentals deposited in the general administration bond redemption fund, as aforesaid, and received from the project for which the bonds were issued. Such rentals shall be pledged by the state for such purpose.

SEC. 5. Section 12, chapter 255, Laws of 1959 and RCW 43.82.120 are each amended to read as follows:

RCW 43.82.120 amended.

There is hereby established within the state treasury a reserve fund to be known as the "general administration bond redemption guarantee fund." All unpledged rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration bond redemption guarantee fund until a total of two hundred thousand dollars is on deposit in said fund after which all unpledged rental income shall be deposited in the general administration management fund, the creation of which is hereby authorized. In the event the general administration bond redemption guarantee fund is diminished, it shall be replenished in the same manner.

General administration bond redemption fund—
Deposits—
General administration management fund—
Deposits.

If at any time there is insufficient money in the general administration bond redemption fund to make any payments of interest or principal due on any bonds payable from such fund, the state treasurer shall transfer from such general administration bond redemption guarantee fund to the general administration bond redemption fund an amount sufficient to meet such payments.

New section.

SEC. 6. There is added to chapter 43.82 RCW a new section to read as follows:

General administration management fund—Use.

The general administration management fund shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration management fund shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: *Provided*, That moneys received into the fund for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund: *Provided further*, That the director may expend not to exceed fifty thousand dollars per biennium from the general administration management fund to cover unusual or unexpected expenses connected with space occupancy or management that cannot be charged directly to any specific state agency. In the event the director determines that there is a surplus in this fund, he shall transfer such surplus to the general fund.

New section.

SEC. 7. There is added to chapter 43.82 RCW a new section to read as follows:

Insurance authorized.

The director may, in his discretion, obtain fire or other hazard insurance on any building under his management.

SEC. 8. Sections 1 through 3, chapter 210, Laws of 1957 and RCW 43.19.126 through 43.19.128 and sections 15, 16 and 17, chapter 178, Laws of 1959 and RCW 43.19.1929 through 43.19.1933 are each repealed.

Passed the Senate March 2, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 185.

[S. B. 419.]

SHIP CANALS—PUGET SOUND, GRAYS HARBOR, HOOD CANAL.

AN ACT relating to ship canals; and creating a canal commission.

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

SECTION 1. The purpose of this act is to have a study made of the economic desirability and engineering feasibility of the construction of water canals connecting Puget Sound with Grays Harbor and lower Puget Sound with Hood Canal.

SEC. 2. There is created a canal commission to carry out the purposes of this act. The commission shall consist of three senators, appointed by the president of the senate, three representatives, appointed by the speaker of the house, five residents of the state appointed by the governor, and the director of conservation who shall be chairman of the commission.

The director of commerce and economic development shall be an ex officio member of the commission.

Any vacancies occurring on the canal commission shall be filled within seven days in the same manner as the vacated position.

The members of the canal commission shall serve without compensation.

Biennial
existence—
Meetings.

SEC. 3. The canal commission shall function during the 1961 biennium and shall have the powers and perform the duties as provided herein.

The commission shall meet at the times when and places where designated by the chairman.

Powers and
duties.

SEC. 4. The commission shall review the work and report of the 1933 canal commission on the feasibility of a canal system connecting Puget Sound with Grays Harbor, Willapa Harbor and the Columbia River and in addition make a study of the feasibility of a canal connecting lower Puget Sound with Hood Canal.

In appraising the economic desirability and engineering feasibility of the canals the commission shall consider the commercial and industrial needs and possibilities of the areas involved, the impact of the great increase in pleasure boating and demands for recreational facilities, and the great advances made since the 1933 study in engineering skills and earth moving machinery.

Report to
governor.

The commission shall report its findings and recommendations to the governor as soon as possible and at several intervals during the biennium, if necessary.

Governor to
seek federal
participation,
when.

SEC. 5. If the reports and recommendations of the commission indicate that the canals are not only desirable, but will be beneficial to the residents of the state and are economically feasible, the governor shall inform each United States senator and representative of the state of Washington of the findings and recommendations of the commission, and urge them to seek federal cooperation and participation in an undertaking to plan and construct the canals.

Passed the Senate February 28, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 186.

[S. B. 436.]

CITIES AND TOWNS—OFF-STREET PARKING.

AN ACT relating to the authority of cities of the first, second and third classes to acquire, operate, build, and maintain off-street parking facilities; amending sections 1, 2, and 3 of chapter 302, Laws of 1959, and RCW 35.86.010, 35.86.020, and 35.86.030; and adding a new section to chapter 302, Laws of 1959, and to chapter 35.86 RCW.

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

SECTION 1. Section 1, chapter 302, Laws of 1959 and RCW 35.86.010 are each amended to read as follows:

RCW 35.86.010 amended.

Cities of the first, second, and third classes are authorized to provide off-street parking space and facilities for motor vehicles, and the use of real property for such purpose is declared to be a public use.

Offstreet parking facilities. For public purpose.

SEC. 2. Section 2, chapter 302, Laws of 1959 and RCW 35.86.020 are each amended to read as follows:

RCW 35.86.020 amended.

In order to provide for off-street parking space and/or facilities, such cities are authorized, in addition to their powers for financing public improvements, to finance their acquisition and construction through the issuance and sale of revenue, general fund and on-street parking revenue bonds. Any bonds issued by such cities pursuant to this section shall be issued in the manner and within the limitations prescribed by the Constitution and the laws of this state.

Financing.

In addition local improvement districts may be created and their financing procedures used for this purpose in accordance with the provisions of Title 35. In addition, local improvement districts may be created for this purpose in accordance with the procedure for establishing local improvement districts under Title 35, as hereafter amended.

Such cities may authorize and finance the economic and physical surveys and plans, and construction, for off-street parking, and the maintenance and management of such off-street parking spaces and facilities either within their general budget or by issuing general fund bonds and on-street parking revenue bonds or both.

RCW 35.86.030 amended.

SEC. 3. Section 3, chapter 302, Laws of 1959 and RCW 35.86.030 are each amended to read as follows:

Acquisition and disposition of real property.

Such cities are authorized to obtain by lease, purchase, donation and/or gift, or by eminent domain in the manner provided by law for the exercise of this power by cities, such real property for off-street parking as the legislative bodies thereof determine to be necessary by ordinance. Such property or any fraction or fractions thereof may be sold, transferred, exchanged, leased, or otherwise disposed of by the city when its legislative body has determined by ordinance such property or fraction or fractions thereof is no longer necessary for off-street parking purposes.

New section.

SEC. 4. There is added to chapter 302, Laws of 1959 and to chapter 35.86 RCW a new section to read as follows:

Lease of unused space authorized.

Cities are expressly authorized to lease space which would otherwise be wasted in an off-street parking facility for store space, both for the enhancement of civic beauty and aesthetic values and for revenue which such leasing can provide.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 187.

[S. B. 13.]

DISCHARGED, PARDONED PRISONERS—RESTORATION OF CIVIL RIGHTS.

AN ACT relating to the restoration of civil rights to persons convicted of infamous crimes; adding a new section to chapter 19, Laws of 1931 and chapter 9.96 RCW; and amending section 1, chapter 19, Laws of 1931 and RCW 9.96.010.

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

SECTION 1. There is added to chapter 19, Laws of 1931 and to chapter 9.96 RCW a new section to read as follows: New section.

When a prisoner on parole has performed the obligations of his release for such time as shall satisfy the board of prison terms and paroles that his final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the prisoner: *Provided*, That no such order of discharge shall be made in any case within a period of less than one year from the date on which the board has conditionally discharged the parolee from active supervision by a probation and parole officer, except where the parolee's sentence expires earlier thereto. Such discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state. Parolee's order of discharge—Restoration of civil rights by board.

The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

SEC. 2. Section 1, chapter 19, Laws of 1931 and RCW 9.96.010 are each amended to read as follows: RCW 9.96.010 amended.

Whenever the governor shall grant a pardon to a person convicted of an infamous crime, or when- Restoration of civil rights by governor.

ever the maximum term of imprisonment for which any such person was committed is about to expire or has expired, and such person has not otherwise had his civil rights restored, the governor shall have the power, in his discretion, to restore to such person his civil rights in the manner as in this chapter provided.

Passed the Senate February 28, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 188.

[S. B. 46.]

AIR POLLUTION CONTROL.

AN ACT relating to air pollution control; providing penalties; making an appropriation, and adding nine new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW.

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

New section.

SECTION 1. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

State air
pollution
control board.
Established—
Members.

There is established in the department of health a state air pollution control board, hereinafter called the "state board", consisting of nine members to be appointed as follows: The state director of health shall be an ex officio member with vote and shall act as chairman of the state board; one member to be appointed by the governor who shall be representative of the public; one member to be alternately appointed by the governor from the faculty of the University of Washington or Washington State University, with the advice of the president thereof; one member to be appointed by the governor who shall be representative of the majority of workmen and selected from a list of names submitted to the governor by an organization, statewide in scope,

which through its affiliates embraces a cross-section and a majority of labor in the state; two members to be appointed by the governor, one each from a list of three names submitted by the association of Washington cities and the association of county commissioners; one agricultural representative to be appointed by the governor from a list of three names submitted by the director of agriculture, no two of which shall be from the same farm organization; two members to be appointed by the governor from a list of six names submitted by a recognized state-wide organization of industry representing a majority of the industries in this state most concerned with the problems of air pollution, no two appointees to be from the same general industrial category. The state board may employ an executive secretary who shall be selected from the staff of the state department of health.

Executive
secretary.

The original terms of office of members of the state board hereunder shall commence on July 1, 1961, and each appointed member shall serve for a term of four years and until his successor shall have been appointed, except, that the first terms of office of the members first appointed hereunder shall be as follows: Two members shall serve for four years; two members shall serve for three years; two members shall serve for two years; and two members shall serve for one year; the determination of which members shall serve for which original terms shall be by lot taken at the first meeting of the board.

Terms of
members.

Five members of the state board shall constitute a quorum and the affirmative vote of a majority of the board shall be necessary for any action taken by the board. No vacancy in the membership of the state board shall impair the right of the quorum to exercise all rights and perform all the duties of the board. If a vacancy shall occur by death, resignation or otherwise of those appointed to the state

Quorum.

Vacancies,
how filled.

board, the governor shall fill the same for the unexpired term in the same manner as the original appointment.

New section. SEC. 2. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Meetings of board. As soon as practicable following appointment of the members of the state board, the director of health shall call a meeting of such board and thereafter the board shall meet periodically upon call of the chairman or upon call of a majority of the board, but not less than once in each three-month period.

New section. SEC. 3. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Board members' expenses paid. Members of the state board shall serve without compensation other than reimbursement for their actual and necessary expenses while attending meetings of the board and for such other expenses incurred in the performance of their duties as approved by a majority of the board.

New section. SEC. 4. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Director of health—Air pollution control duties. The director of health with the approval of the state board shall:

(1) Conduct research, investigations, tests and surveys to determine the existence and extent of air pollution conditions in areas of the state of Washington;

(2) Relate proportions of emissions from sources such as: Transportation; residential heating, incinerators and burning; agriculture; governmental buildings, installations and operations; and, institutional, industrial and commercial operations and installations;

(3) Formulate and recommend standards of ambient air quality for various components which would constitute either a health hazard, economic damage or a nuisance condition;

(4) Delineate natural air basins in which the component concentrations found from above indicate an air pollution problem when related to the considerations set forth in subsection 6 hereof;

(5) Recommend standards for uniform control based upon known, available and reasonable methods of correction;

(6) Relate all recommendations to the following considerations:

(a) The character and degree of injury to, or interference with safety, health or the reasonable use of property which is caused or threatened to be caused;

(b) The social and economic value of the activity involved;

(c) The suitability or unsuitability of such activity to the area in which it is located;

(d) The practicability, both scientific and economic, of reducing or eliminating the discharge from such activity.

SEC. 5. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows: New section.

The state director of health shall prepare quarterly reports over his signature, with the approval of the members of the state board. Such reports shall be distributed to the legislative council and interested parties including the affected units of local government. When deemed necessary as the result of a test or survey, the director with the approval of the state board may transmit copies of special studies and recommendations to affected governmental entities.

Director of health—Duties include reports.

New section.

SEC. 6. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Director of health— Authorized to hire personnel.

The director of health is authorized to contract for or otherwise agree to the use of personnel of municipal corporations or other agencies or private persons; and the director of health is further authorized to reimburse such municipal corporations or agencies for the employment of such personnel. Due to the interim nature of the program established under this act, merit system regulations or standards for the employment of personnel may be waived for personnel engaged in carrying out the functions of this act.

New section.

SEC. 7. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Right of entry under act.

For the purpose of carrying out the provisions of this act, the director of health, the state board or their agents shall have the power to enter at reasonable times upon any private or public property. The results of any investigations shall be confidential and shall not be disclosed without the written permission of affected parties.

New section.

SEC. 8. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

Construction of act—Not limiting in nature.

No provision of this act or any recommendation of the state board or of any local or regional air pollution program is a limitation:

(1) On the power of a city, town, county or district to exercise powers granted under chapter 70.94 RCW or to adopt standards other than those recommended by the board.

(2) On the power of any city, town or county to declare, prohibit and abate nuisances.

(3) On the power of the director of health to provide for the protection of the public health under

any authority presently vested in that office or which may be hereafter prescribed by law.

(4) On the power of a state agency in the enforcement, or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(5) On the right of any person to maintain at any time any appropriate action for relief against any air pollution.

SEC. 9. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The wilful violation by an person of any provision of chapter 70.94 RCW, or of any rule, regulation, or order issued in pursuance thereof, shall constitute a gross misdemeanor.

Violation,
GROSS
misdemeanor.

SEC. 10. If any section, subsection or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Severability.

Passed the Senate March 3, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 189.

[S. B. 57.]

FALSE, DECEPTIVE, MISLEADING ADVERTISING.

AN ACT relating to and prohibiting false, deceptive and misleading advertising, and providing for enforcement thereof.

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

SECTION 1. It shall be unlawful for any person to publish, disseminate or display, or cause directly or indirectly, to be published, disseminated or displayed in any manner or by an means, including solicita-

False, de-
ceptive or
misleading
advertising
unlawful.

tion or dissemination by mail, telephone or door-to-door contacts, any false, deceptive or misleading advertising, with knowledge of the facts which render the advertising false, deceptive or misleading, for any business, trade or commercial purpose or for the purpose of inducing, or which is likely to induce, directly or indirectly, the public to purchase, consume, lease, dispose of, utilize or sell any property or service, or to enter into any obligation or transaction relating thereto: *Provided*, That nothing in this section shall apply to any radio or television broadcasting station which broadcasts, or to any publisher, printer or distributor of any newspaper, magazine, billboard or other advertising medium who publishes, prints or distributes, such advertising in good faith without knowledge of its false, deceptive or misleading character.

Enforcement officials.

SEC. 2. The attorney general or the prosecuting attorneys of the several counties may bring an action in the superior court to restrain and prevent any person from violating any provision of this act.

Penalty.

SEC. 3. Any person who violates any order or injunction issued pursuant to this act shall be subject to a fine of not more than five thousand dollars or imprisonment for not more than ninety days or both.

RCW 9.01.090 inapplicable.

RCW 9.01.090 shall not be applicable to the terms of this act and no penalty or remedy shall result from a violation of this act except as expressly provided herein.

Assurance of discontinuance—As evidence.

SEC. 4. In the enforcement of this act the official enforcing this act may accept an assurance of discontinuance of any act or practice deemed in violation of this act, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

A violation of such assurance shall constitute prima facie proof of a violation of this act: *Provided*, That after commencement of any action by a prosecuting attorney, as provided herein, the attorney general may not accept an assurance of discontinuance without the consent of the prosecuting attorney.

SEC. 5. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby. Severability.

Passed the Senate March 7, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 190.

[S. B. 86.]

TIDELANDS IN SKAGIT, SNOHOMISH, ISLAND COUNTIES.

AN ACT relating to public lands; authorizing the withdrawal of described tidelands from sale, and from lease except for specific purposes; authorizing the use of said tidelands as public shooting grounds to be administered by the state game commission; and amending section 77.40.090, chapter 36, Laws of 1955, and RCW 77.40.090.

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

SECTION 1. Section 77.40.090, chapter 36, Laws of 1955, and RCW 77.40.090 are each amended to read as follows: RCW 77.40.090 amended.

The commissioner of public lands shall withdraw from sale or lease, except lease for the production of oysters or for booming or industrial uses: *Provided*, That the director of game has approved such industrial uses as not being generally incompatible with the primary function of these lands as public Public shooting grounds. Certain tidelands in Skagit, Snohomish and Island counties.

shooting grounds, the following described second class tidelands and detached tidelands within the boundaries hereinafter set forth: Those tidelands situate in front of, adjacent to, or abutting upon: government lots 3, 4 and 5, section 28 and government lot 1, section 27 and government lots 1, 2, 3 and 4, section 34, township 35 north, range 2 east, W.M., and government lots 1, 2 and 3, section 3, township 34 north, range 2 east, W.M., excepting therefrom the portion deeded by the state of Washington to the Great Northern Railway Company on December 30, 1941.

The commissioner of public lands shall withdraw from sale or lease, except lease for the production of oysters or for booming purposes, the following described second class tidelands and detached tidelands within the boundaries hereinafter set forth:

Those tidelands other than tidelands described above in this section lying within an area beginning at a point on the meander line at the Skagit-Whatcom line, thence following the meander line in its general southerly direction to the north boundary of the Swinomish Indian Reservation, thence westerly along the north line of said Indian reservation to the base of Marches Point, thence northerly along the meander line to the north meander corner on the west line of section 28, township 35 north, range 2 E., W. M., thence north to the Whatcom county line, thence easterly along said county line to the point of beginning.

Also, all tidelands of the second class, including detached tidelands in Skagit county lying south of the main channel of the Swinomish Slough.

Also, those tidelands in Snohomish and Island counties located in township 32 north, range 3 E., W. M.

Also, those tidelands lying in front of sections 1, 2 and 11 and 12, township 31 north, range 3 E., W. M., in Snohomish county.

All the tidelands described in this section shall be available for use as public shooting grounds under the direction and control of the state game commission.

Passed the Senate March 7, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 191.

[S. B. 94.]

POLICE RELIEF AND PENSIONS IN FIRST CLASS CITIES.

AN Act relating to municipal corporations; and to the police relief and pension fund in cities of the first class; amending section 4, chapter 39, Laws of 1909 as last amended by section 3, chapter 78, Laws of 1959, and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 4, chapter 78, Laws of 1959, and RCW 41.20.060; and amending section 7, chapter 39, Laws of 1909 as last amended by section 5, chapter 78, Laws of 1959, and RCW 41.20.080; and amending section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 78, Laws of 1959, and RCW 41.20.120.

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

SECTION 1. Section 4, chapter 39, Laws of 1909 as last amended by section 3, chapter 78, Laws of 1959, and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years or more, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund dur-

RCW 41.20.050 amended.

Police pensions, first class cities. Pension on retirement for years of service.

ing his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: *Provided*, That no pension shall exceed an amount equivalent to one-half the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

RCW 41.20.060 amended.

SEC. 2. Section 5, chapter 39, Laws of 1909 as last amended by section 4, chapter 78, Laws of 1959 and RCW 41.20.060 are each amended to read as follows:

Pension on retirement for disability.

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to one-half of the amount of salary at any time hereafter

attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to one-half the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

SEC. 3. Section 7, chapter 39, Laws of 1909 as last amended by section 5, chapter 78, Laws of 1959, and RCW 41.20.080 are each amended to read as follows:

RCW 41.20.080 amended.

Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary at any time hereafter attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: *Provided*, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Pension on death of policeman in performance of duty.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

RCW 41.20.120
amended.

SEC. 4. Section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 78, Laws of 1959, and RCW 41.20.120 are each amended to read as follows:

Sick benefits.

Whenever any active member of the police department, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined in any hospital or in his home and, whether or not so confined, requires nursing, care, or attention, the board shall pay for such active member the necessary hospital, care, and nursing expenses of such member out of the fund; and the board may pay for such retired member hospital, care, and nursing expenses as are reasonable, in the board's discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the board, for a period not exceeding six months, after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board

shall designate the hospital and medical services available to such sick or disabled policeman.

Passed the Senate February 23, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 192.

[S. B. 153.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; amending section 1, chapter 13, Laws of 1939 and RCW 87.04.010; amending section 2, chapter 13, Laws of 1939 and RCW 87.04.020; amending section 3, chapter 13, Laws of 1939 and RCW 87.04.030; amending section 4, chapter 13, Laws of 1939 and RCW 87.04.040; amending section 7, chapter 13, Laws of 1939 and RCW 87.04.050; amending section 5, chapter 13, Laws of 1939 and RCW 87.04.060; amending section 6, chapter 13, Laws of 1939 and RCW 87.04.070; amending section 8, chapter 13, Laws of 1939 and RCW 87.04.080; amending section 9, chapter 13, Laws of 1939 and RCW 87.04.090; amending section 10, chapter 13, Laws of 1939 and RCW 87.04.100; amending section 11, chapter 13, Laws of 1939 (uncodified); amending section 1, chapter 122, Laws of 1953, as last amended by section 4, chapter 57, Laws of 1955, and RCW 87.01.090; and amending section 4, page 673, Laws of 1890, as last amended by section 1, chapter 41, Laws of 1931, and RCW 87.01.100, 87.01.120 and 87.01.130.

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

SECTION 1. Section 1, chapter 13, Laws of 1939 and RCW 87.04.010 are each amended to read as follows:

An irrigation district comprising two hundred thousand or more acres, or irrigation districts comprising less than two hundred thousand acres which have followed the optional procedure specified in this amendatory act, shall be divided into divisions of as nearly equal area as practical, consistent with being fair and equitable to the electors of the dis-

RCW 87.04.010 amended.

Irrigation districts' director divisions. Created—Election of directors.

trict. The number of divisions shall be the same as the number of directors, which shall be numbered first, second, third, etc. One director, who shall be an elector of the division, shall be elected for each division of the district by the electors of his division. A district elector shall be considered an elector of the division in which he holds title to or evidence of title to land. An elector holding title to or evidence of title to land in more than one division shall be considered an elector of the division nearest his place of residence.

RCW 87.04.020
amended.

SEC. 2 Section 2, chapter 13, Laws of 1939 and RCW 87.04.020 are each amended to read as follows:

Vacancies,
how filled.

Vacancies in the representation of director divisions on the board of directors of the irrigation district shall be filled by appointment of an elector of the division concerned, in the same manner and for the same time as provided by law for the filling of vacancies on the board of directors of irrigation districts generally.

RCW 87.04.030
amended.

SEC. 3. Section 3, chapter 13, Laws of 1939 and RCW 87.04.030 are each amended to read as follows:

New district
to be divided
by county
commissioners,
when—
Division as
election
proposition.

When a new irrigation district comprising more than two hundred thousand acres has been authorized, pursuant to law, the board of county commissioners shall, within thirty days from the canvassing of the returns, divide the district into director divisions equal to the number of directors, and in the resolution organizing the district, they shall include an order designating the director divisions and describing the boundaries thereof. When a petition for the formation of a new irrigation district comprising less than two hundred thousand acres has been filed pursuant to law and said petition includes a request that the district be divided into director divisions, the board of county commissioners shall divide the district into director divisions as provided in this section unless objections to director

divisions are made at the hearing held pursuant to RCW 87.01.040; and in the event objections to director divisions are made and not withdrawn, the board of county commissioners may deny the request for director divisions or if it determines that it is to the best interests of the district that director divisions be established, it may, in its order calling an election for organization of the district, include a separate proposition on the question of director divisions; and if a majority of the votes cast on said proposition are in favor of director divisions, then the resolution organizing the district shall include an order designating the director divisions and describing the boundaries thereof.

SEC. 4. Section 4, chapter 13, Laws of 1939 and RCW 87.04.040 are each amended to read as follows:

RCW 87.04.040
amended.

Proceedings to divide or redivide a district comprising less than two hundred thousand acres into director divisions, or to redivide the director divisions heretofore established for districts comprising more than two hundred thousand acres, may be initiated by a petition filed with the county commissioners of the county in which the principal office of the district is situated. The petition shall designate the name of the district and pray that it be divided into director divisions, or that existing director divisions be redivided, and shall be signed by at least two-thirds of the directors of the district or in lieu thereof by at least twenty electors of the district. A petition to divide or redivide a district shall not be filed more than once in each five-year period except for redivisions necessitated by reason of a change in the total number of directors of the district.

Petition to
divide or
redivide.

SEC. 5. Section 7, chapter 13, Laws of 1939 and RCW 87.04.050 are each amended to read as follows:

RCW 87.04.050
amended.

If the number of directors is changed for a district which is divided into director divisions, a peti-

Redivision
when number
of directors
changed.

tion for redivision shall be filed with the board of county commissioners by the directors of the district and all proceedings thereon shall be conducted as provided in sections 6 and 7 of this amendatory act: *Provided*, That even if objections are filed at the hearing on said petition, no election shall be held but the board of county commissioners shall make such division that they determine to be fair and equitable to the electors of the district.

RCW 87.04.060
amended.

SEC. 6. Section 5, chapter 13, Laws of 1939 and RCW 87.04.060 are each amended to read as follows:

Time for
hearing on
petition—
Notice.

Upon the filing of the petition the board of county commissioners shall fix a time and place for hearing thereon, which shall be not less than thirty days nor more than forty-five days from the date of filing, and shall cause notice thereof, stating the time, place, and general purpose of the hearing, to be published in a newspaper of general circulation in each county in which any of the lands of the district are situated, in at least three consecutive weekly issues; if there is no such newspaper published in a county, then in a newspaper of general circulation therein, designated by the county commissioner. The notice shall state the filing of the petition and its prayer, but need not describe with particularity the boundaries of the divisions recommended in the petition, and shall notify all electors of the district to appear at the time and place named in the notice to show cause, if any they have, why the district should not be divided or redivided into director divisions.

RCW 87.04.070
amended.

SEC. 7. Section 6, chapter 13, Laws of 1939 and RCW 87.04.070 are each amended to read as follows:

Hearing—
Order—
Election on
division or
redivision
—Notice of.

At the hearing or adjournments thereof, which shall not be for more than sixty days in all, the board of county commissioners shall consider the petition and shall hear electors of the district for or against the division or redivision of director divisions and recommendations for the manner in which division

should be made. If the board deems is against the best interests of the district to divide the district into director divisions or to redivide existing divisions, it shall order the petition rejected, but if it deems it for the best interests of the district that the petition be granted, and if no elector of the district files cause in writing at said hearing why the petition should not be granted, or if having filed said cause in writing withdraws the same, the board shall enter an order dividing or redividing the district into the same number of director divisions as there are directors of the district, and designating the divisions and describing the boundaries thereof. The division to be made shall be such as the commissioners consider fair and equitable to the electors of the district. A copy of the commissioners' order shall be filed for record, without charge, with the auditor of each county in which any part of the district is situated, and thereafter the directors shall be elected or appointed as provided in this chapter. If any elector shall appear in person at said hearing and shall file cause in writing as aforesaid why the petition should not be granted and shall not withdraw the same, and if the board nevertheless deems it for the best interests of the district that the petition be granted, the board shall adopt a resolution to that effect and shall order an election held within the district on whether the district should be divided into director divisions or its existing director divisions be redivided, and shall fix the time thereof and cause notice to be published. The notice shall be given and the election conducted in the manner as for special elections on a bond issue of the district. The notice shall state the general plan of division or redivision but need not describe with particularity the boundaries of the proposed division or redivision. Such boundaries shall be described on the ballot. If the majority of votes cast at the election are in favor of dividing or redividing the district into di-

rector divisions, the board of county commissioners shall enter an order dividing or redividing the district into the same number of director divisions as there are directors of the district, and designating the divisions and designating the boundaries thereof. If a majority of the votes cast are against division or redivision into director districts, the board shall order the petition denied.

RCW 87.04.080
amended.

SEC. 8. Section 8, chapter 13, Laws of 1939 and RCW 87.04.080 are each amended to read as follows:

Election of
directors—
Terms.

At the next general election of directors of a district which has been divided into director divisions, the electors of the first division shall select the director then to be elected on the board, and if more than one director is to be selected, the second division shall select one, and so on in numerical order, until, as the terms of incumbent directors expire, all the divisions are represented on the board, and thereafter directors shall be elected from the divisions in rotation, as their respective terms of office expire: *Provided*, That if following the numerical order of director divisions will result in any year in one division having more than one director and one division having no director, then the numerical order of the divisions shall not be followed for the year or years in question but the electors of the next highest numbered division without representation on the board of directors shall select the director then to be elected on the board. If such a district is organized but has not yet held an annual election of officers, it shall, at its next annual election, select directors for three, two and one-year terms respectively, and if the district is managed by a board of three directors, the first division shall select a director for the three-year term, the second division shall select one for the two-year term, and the third division shall select one for the one-year term, and thereafter their successors shall

be elected for three-year terms respectively. If the district has five directors, the first and second divisions shall each select a director for the three-year term, the third and fourth divisions shall each select one for the two-year term, and the fifth division shall select one for the one-year term, and thereafter their successors shall be elected for three-year terms respectively. If the district has seven directors, the first, second and third divisions shall each select a director for the three-year term, the fourth and fifth divisions shall each select a director for the two-year term, and the sixth and seventh divisions shall each select a director for the one-year term, and thereafter their successors shall be elected for three-year terms respectively.

SEC. 9. Section 9, chapter 13, Laws of 1939 and RCW 87.04.090 are each amended to read as follows:

Lands in a district so divided into director divisions, which are to receive water from a system of works to be constructed by the federal government or under a contract between the district and the federal government, shall not be assessed more than two cents an acre in any one calendar year until the Secretary of the Interior announces that water is ready for delivery to the land: *Provided*, That this section shall not be applicable to districts comprising less than two hundred thousand acres.

RCW 87.04.090 amended.

Limit of levy until water is received, where applicable.

SEC. 10. Section 10, chapter 13, Laws of 1939 and RCW 87.04.100 are each amended to read as follows:

Lands in such a district, which are designated as excess lands under the act of congress of May 27, 1937, and which have been subscribed by the owner thereof to the excess land contract, shall not be assessed more than above specified until after the date fixed in the contract for the sale of such excess lands, unless they have been sooner sold or the owner has sooner called for water thereon: *Provided*, That this section shall not be applicable to

RCW 87.04.100 amended.

Excess lands, assessments against, where applicable.

districts comprising less than two hundred thousand acres.

1939 c 13 § 11 amended.

SEC. 11. Section 11, chapter 13, Laws of 1939 (uncodified) is amended to read as follows:

Construction, general repeal.

Sections 1 through 11 of this amendatory act are intended, and shall be construed, to be supplemental to and shall become a part of the law relating to irrigation districts, and any act or part of the same inconsistent or in conflict with the provisions of this act or any part thereof are hereby repealed.

RCW 87.01.090 amended.

SEC. 12. Section 1, chapter 122, Laws of 1953, as last amended by section 4, chapter 57, Laws of 1955, and RCW 87.01.090 are each amended to read as follows:

Irrigation district organization. Qualifications of voters and directors.

A person twenty-one years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein, except that any such person shall only be entitled to vote in a district comprising two hundred thousand or more acres, or in any other district to which this exception is made applicable as hereinafter provided, if he holds title or evidence of title to land other than land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes, in which event, in a district comprising two hundred thousand or more acres, he shall be entitled to one vote for the first ten acres of said land or fraction thereof and one additional vote for all of said land over ten acres. Lands platted or subdivided into residence or business lots shall not be considered as being used for agricultural or horticultural purposes unless (1) used exclusively for such purposes (2) by the holder of title or evidence of title who shall reside thereon and (3) cultivate said lands as a farmer, gardener, or horticulturist. A majority of the directors shall be residents of the county or counties in which the

district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless he holds title or evidence of title to five acres or more of land within the district: *Provided*, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district is owned in individual ownerships of less than five acres.

SEC. 13. Section 4, page 673, Laws of 1890, as last amended by section 1, chapter 41, Laws of 1931 (heretofore divided and codified as RCW 87.01.100, 87.01.120 and 87.01.130) is divided and amended to read as set forth in sections 14 through 16 of this act.

SEC. 14. (RCW 87.01.100) An election of directors in an irrigation district shall be held on the second Tuesday of December of each year, and the term of each director shall be three years from the first Tuesday of January following his election. The directors elected at the organization election shall serve until their successors are elected and qualified. At the first annual election occurring thirty days or more after the date of the order establishing the district, there shall be elected directors to succeed those chosen at the organization election. If the board consists of three directors the candidate receiving

RCW 87.01.100
amended.
Directors.
Election—
Terms—
Increase and
decrease.

the highest number of votes shall serve a term of three years; the next highest, two years; and the next highest, one year. In case of five directors, the two candidates receiving the highest number of votes shall each serve a term of three years; the next two highest, two years; and the next highest, one year; or until successors are elected and qualified. In case of seven directors, the three candidates receiving the highest number of votes shall each serve a term of three years, the next two highest, two years, and the next two highest, one year, or until their successors are elected and qualified. Whenever a district with three directors desires to increase the number of its directors to five directors or whenever a district with five directors desires to increase the number of its directors to seven directors, the board of directors, acting on its own initiative or on the written petition of at least twenty electors of the district, shall submit the question to the electors of the district at a regular or special district election. In the event the electors by a majority of the votes cast favor an increase in the number of directors, there shall be elected at the next annual district election two additional directors. The person receiving the highest number of votes shall serve for a three year term, and the next highest, a two year term.

The number of directors may be decreased to five or three, as the case may be, substantially in the same manner as that provided for the increase of directors. In case of three directors the term of one director only shall expire annually.

RCW 87.01.120
enacted
without
amendment.

SEC. 15. (RCW 87.01.120) A vacancy in the office of director 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. At the next annual election occurring thirty days or more after the date of the

appointment, a successor shall be elected who shall take office on the first Tuesday in January following and shall serve for the remainder of the unexpired term.

A director appointed to fill the vacancy occurring after the expiration of the term of a director shall serve until his successor is elected and qualified. At the next election of directors occurring thirty days or more after the appointment, a successor shall be elected who shall take office on the first Tuesday in January next and shall serve for the term for which he was elected.

Failure on the part of any irrigation district to hold one or more annual elections for selection of officers, or otherwise to provide district officers shall not dissolve the district or impair its powers where later officers for the district are appointed or elected and qualify as such and exercise the powers and duties of their offices in the manner provided by law.

SEC. 16. (RCW 87.01.130) Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute a bond to the district in the sum of one thousand dollars, conditioned for the faithful discharge of his duties, which shall be approved by the judge of the superior court of the county where the district was organized, and the oath and bond shall be recorded in the office of the county clerk of that county and filed with the secretary of the board of directors. The secretary shall take and subscribe a written oath of office and execute a bond in the sum of not less than one thousand dollars to be fixed by the directors, which shall be approved and filed as in the case of the bond of a director. If a district is appointed fiscal agent of the United States to collect money for it, the secretary and directors and the district treasurer shall each execute such additional bonds as the secretary of the interior may

RCW 87.01.130
enacted
without
amendment.

require, conditioned for the faithful discharge of their duties which shall be approved, recorded, and filed as other official bonds. All such bonds shall be secured at the cost of the district.

Passed the Senate February 27, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 193.

[S. B. 164.]

STATE INSTITUTIONS—INTERTRANSFERS
OF PROPERTY.

AN ACT relating to the department of institutions; authorizing the director to transfer equipment, supplies and livestock between institutions within the department without the necessity of reimbursement; providing notice to the director of the department of general administration of the transfer of capital items and amending chapter 28, Laws of 1959 and chapter 72.01 RCW by adding a new section thereto.

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

New section.

SECTION 1. Chapter 28, Laws of 1959 and chapter 72.01 RCW are each amended by adding a new section thereto to read as follows:

Property transfers between state institutions without reimbursement authorized.

The director of the department of institutions, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with

inventory numbers, if any: *Provided*, The livestock and dairy herd at the Western State Hospital shall be maintained at its approximate present capacity.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 194.

[S. B. 203.]

INSURANCE.

AN ACT relating to insurance; amending section .05.01, chapter 79, Laws of 1947 and RCW 48.05.010; amending section .05.24, chapter 79, Laws of 1947 and RCW 48.05.240; amending section .12.15, chapter 79, Laws of 1947, as last amended by section 3, chapter 225, Laws of 1959, and RCW 48.12.150; amending section .17.15, chapter 79, Laws of 1947 and RCW 48.17.150; amending section .20.34, chapter 79, Laws of 1947 and RCW 48.20.340; amending section .21.08, chapter 79, Laws of 1947 and RCW 48.21.080; amending section .23.35, chapter 79, Laws of 1947, as last amended by section 8, chapter 225, Laws of 1959, and RCW 48.23.350; adding a new section to chapter 79, Laws of 1947 and to chapter 48.24 RCW; amending section .24.04, chapter 79, Laws of 1947, as amended by section 18, chapter 303, Laws of 1955, and RCW 48.24.040; amending section .24.17, chapter 79, Laws of 1947 and RCW 48.24.170; amending section .31.01, chapter 79, Laws of 1947 and RCW 48.31.010; and amending section .31.11, chapter 79, Laws of 1947 and RCW 48.31.110.

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

SECTION 1. Section .05.01, chapter 79, Laws of 1947 and RCW 48.05.010 are each amended to read as follows:

RCW 48.05.010 amended.

(1) A "domestic" insurer is one formed under the laws of this state.

"Domestic", "foreign", "alien" insurer, "United States", defined.

(2) A "foreign" insurer is one formed under the laws of the United States, of a state or territory of the United States other than this state, or of the District of Columbia.

(3) An "alien" insurer is one formed under the laws of a nation other than the United States.

(4) For the purposes of this code, "United States," when used to signify place, means only the states of the United States, the government of Puerto Rico and the District of Columbia.

RCW 48.05.240 amended.

SEC. 2. Section .05.24, chapter 79, Laws of 1947 and RCW 48.05.240 are each amended to read as follows:

Insurers—
General requirements. Exceptions to countersignature requirement.

The provisions of RCW 48.05.230 shall not apply to reinsurance contracts between insurers, to life or disability insurances, to bid bonds issued in connection with any public or private contract, or to insurance contracts:

(1) Issued as a surplus line under RCW 48.15.040, or exempted under RCW 48.15.160.

(2) Covering the rolling stock, vessels, or aircraft of any common carrier in interstate or foreign commerce, or any vehicle principally garaged and used in another state, or covering any liability or other risks incident to the ownership, maintenance, or operation thereof.

(3) Covering any property in course of transportation interstate or in foreign trade, or any liability or risk incident thereto.

(4) Issued by insurers not using agents in the general solicitation of business.

RCW 48.12.150 amended.

SEC. 3. Section .12.15, chapter 79, Laws of 1947, as last amended by section 3, chapter 225, Laws of 1959, and RCW 48.12.150 are each amended to read as follows:

Insurance—
Assets, liabilities. Standard valuation law—Life insurance.

(1) This section shall be known as the standard valuation law.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing

business in this state, except that in the case of an alien insurer such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

(3) Minimum valuation standard:

(a) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of RCW 48.23.350 shall be as follows:

For policies issued prior to the operative date no standard of valuation for ordinary policies, whether on the net level premium, preliminary term, or select and ultimate reserve basis, shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half percent interest; except, that when the preliminary term basis is used it shall not exceed one year. The commissioner may vary the standard of valuation in particular cases of invalid lives and

other extra hazards, provided, that the interest rate used is not greater than three and one-half percent.

The legal minimum standard for the valuation of annuities issued on or after January 1, 1912, and prior to the operative date of RCW 48.23.350, shall be McClintock's Table of Mortality Among Annuity-tants, with interest at three and one-half percent per annum, but annuities deferred ten or more years and written in connection with life or term insurance may be valued on the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half percent per annum.

The legal minimum standard for the valuation of industrial policies issued on or after the first day of January, 1912, and prior to the operative date of RCW 48.23.350, shall be the American Experience Table of Mortality with interest at three and one-half percent per annum; except, that any life insurer may voluntarily value such industrial policies according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table.

The legal minimum standard for the valuation of group life insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be, at the option of the life insurer issuing such policies, either the American Men Ultimate Table of Mortality, the Commissioners 1941 Standard Ordinary Mortality Table, or any other table approved by the commissioner, with interest at three and one-half percent per annum.

(b) The minimum standard for the valuation of all such policies and contracts issued on or after the operative date of RCW 48.23.350 shall be the Commissioners Reserve Valuation Method defined in subsection (4) of this section, three and one-half percent interest, and the following tables:

(i) For all ordinary policies of life insurance issued on the standard basis, excluding any disability

and accidental death benefits in such policies,—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of RCW 48.23.350 (5a), and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date: *Provided*, That for any category of such policies issued on female risks on or after July 1, 1957, modified net premiums and present values, referred to in subsection (4) of this section, may be calculated according to an age not more than three years younger than the actual age of the insured.

(ii) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,—the 1941 Standard Industrial Mortality Table.

(iii) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(iv) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(v) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to

January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vi) For accidental death benefits in or supplementary to policies,—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(vii) For group life insurance, life insurance issued on the substandard basis and other special benefits,—such tables as may be approved by the commissioner.

(4) Commissioners Reserve Valuation Method: Reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such

benefits provided for by the policy and the excess of (a) over (b) as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this paragraph.

(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of RCW 48.23.350, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (4) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(6) Optional reserve bases: Reserves for all policies and contracts issued prior to the operative date of RCW 48.23.350 may be calculated, at the option of the insurer, according to any standards

which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

For any category of policies, contracts or benefits specified in subsection (3) of this section, issued on or after the operative date of RCW 48.23.350, reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein: *Provided*, That reserves for participating life insurance policies issued on or after the operative date of RCW 48.23.350 may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half percent the insurer issuing such policies shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

Any such insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(7) Deficiency reserve: If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract

according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

SEC. 4. Section .17.15, chapter 79, Laws of 1947 and RCW 48.17.150 are each amended to read as follows: RCW 48.17.150 amended.

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must Agent's and broker's qualifications.

(a) be twenty-one years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) successfully pass any examination as required under RCW 48.17.110;

(e) be a trustworthy person;

(f) not intend to use or use the license for the purpose principally of writing controlled business, as defined in RCW 48.17.080;

(g) if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license;

(h) if for broker's license, have had experience either as an agent, solicitor, adjuster, general agent,

broker, or as an employee of insurers or representatives of insurers, or special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, he shall issue the license. Otherwise, the commissioner shall refuse to issue the license.

RCW 48.20.340 amended.

SEC. 5. Section .20.34, chapter 79, Laws of 1947 and RCW 48.20.340 are each amended to read as follows:

“Family expense disability insurance” defined.

(1) Family expense disability insurance is that covering members of any one family including one or both spouses and dependents provided under a master policy issued to the head of the family.

(2) Any authorized disability insurer may issue family expense disability insurance.

(3) A disability policy providing such family expense coverage, in addition to other provisions required to be contained in disability policies under this chapter, shall contain the following provisions:

(a) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties.

(b) A provision that to the family group originally insured shall, on notice to the insurer, be added from time to time all new members of the family as they become eligible for insurance in such family group, and on the payment of such additional premium as may be required therefor.

RCW 48.21.080 amended.

SEC. 6. Section .21.08, chapter 79, Laws of 1947 and RCW 48.21.080 are each amended to read as follows:

Group disability insurance. Certificates of coverage.

In group disability insurance policies there shall be a provision that the insurer shall issue to the employer, the policyholder, or other person or association in whose name such policy is issued, for deliv-

ery to each insured employee or member, a certificate setting forth in summary form a statement of the essential features of the insurance coverage, and to whom the benefits thereunder are payable described by name, relationship, or reference to the insurance records of the policyholder or insurer. If family members are insured, only one certificate need be issued for each family. This section shall not apply to blanket disability insurance policies.

SEC. 7. Section .23.35, chapter 79, Laws of 1947, as last amended by section 8, chapter 225, Laws of 1959, and RCW 48.23.350 are each amended to read as follows:

RCW 48.23.350
amended.

(1) This section shall be known as the standard nonforfeiture law.

Standard
nonforfeiture
law—Life
insurance.

(2) Nonforfeiture provisions—Life: In the case of policies issued on or after the operative date of this section as defined in subsection (8), no policy of life insurance, except as stated in subsection (7), shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefits which become effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of com-

putation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(3) Cash surrender value—Life: Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsections (5) and (5a) of this section corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the insurer on account of or secured by the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits whether or not required by such subsection (2), shall be an amount

not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit—Life: Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(5) The adjusted premium—Life: Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: *Provided*, That in applying the percentages

specified in (c) and (d) above, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purpose of the changed policy.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy, providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (i) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (ii) the adjusted premiums for such term insurance, the foregoing items (i) and (ii) being calculated separately and as specified in the first two paragraphs of this

subsection except that, for the purposes of (b), (c) and (d) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (ii) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (i).

Except as otherwise provided in subsection (5a) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table: *Provided*, That for any category of ordinary insurance issued on female risks on or after July 1, 1957, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: *Provided*, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: *Provided further*, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(5a) In the case of ordinary policies issued on or after the operative date of this subsection (5a) as defined herein, all adjusted premiums and present

values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. Provided, further, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

On or after June 11, 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection, either as to designated ordinary policies or as to all ordinary policies issued by it, after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection as to such policies for such insurer), this subsection shall become operative with respect to such policies thereafter issued by such insurer. If an insurer makes no such election, or so elects to have this subsection apply as to certain of its ordinary policies only, the operative date of this subsection as to all of the ordinary policies issued by such insurer (other than those policies as to which the insurer has elected an earlier operative date as hereinabove provided) shall be January 1, 1966.

(6) Calculation of values—Life: Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (3), (4), (5) and (5a) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (3) of this section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(7) Exceptions: This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to

any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (5) and (5a) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

(8) Operative date: After the effective date of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1948. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be July 1, 1948.

SEC. 8. There is added to chapter 79, Laws of 1947 and to chapter 48.24 RCW a new section to read as follows: New section.

The lives of a group of individuals may be insured under a policy issued to a credit union, which shall be deemed the policyholder, to insure eligible members of such credit union for the benefit of persons other than the credit union or its officials, subject to the following requirements: Group life and annuities. Credit union members for benefit of others than union.

(1) The members eligible for insurance under the policy shall be all of the members of a credit union, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer, or all of any class or classes thereof determined by conditions pertaining to their age or membership in the credit union or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the credit union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued for which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance.

(3) The policy must cover at least twenty-five members at the date of issue.

(4) The amount of insurance under the policy shall not exceed the amount of the total shares and deposits of the member or two thousand dollars, whichever is less.

(5) As used herein, "credit union" means a credit union organized and operating under the federal credit union act of 1934 or chapter 31.12 RCW.

RCW 48.24.040 amended.

SEC. 9. Section .24.04, chapter 79, Laws of 1947, as amended by section 18, chapter 303, Laws of 1955 and RCW 48.24.040 are each amended to read as follows:

Debtor groups.

The lives of a group of individuals may be insured under a policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditors, subject to the provisions of the insurance code relating to credit life insurance and credit accident and health insurance and to the following requirements:

(1) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. The policy may provide that the term "debtors" shall include the debtors of one or more subsidiary corporations, and the debtors of one or more affiliated corporations, pro-

prietors or partnerships if the business of the policyholder and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise.

(2) The premium for the policy shall be paid by the policyholder, either from the creditor's funds, or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least seventy-five percent of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges must insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least one hundred persons yearly, or may reasonably be expected to receive at least one hundred new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than seventy-five percent of the new entrants become insured.

(4) Payment by the debtor insured under any such group life insurance contract of the premium charged the creditor by the insurer for such insurance pertaining to the debtor, shall not be deemed to constitute a charge upon a loan in violation of any usury law.

SEC. 10. Section .24.17, chapter 79, Laws of 1947 and RCW 48.24.170 are each amended to read as follows:

RCW 48.24.170
amended.

Certificates.

There shall be a provision that the insurer will issue to the policyholder for delivery to each individual insured a certificate setting forth a statement as to the insurance protection to which he is entitled, to whom the insurance benefits are payable, described by name, relationship, or reference to the insurance records of the policyholder or insurer, and the rights and conditions set forth in RCW 48.24.180, 48.24.190 and 48.24.200, following.

RCW 48.31.010 amended.

SEC. 11. Section .31.01, chapter 79, Laws of 1947 and RCW 48.31.010 are each amended to read as follows:

Merger or consolidation.

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

SEC. 12. Section .31.11, chapter 79, Laws of 1947 and RCW 48.31.110 are each amended to read as follows:

RCW 48.31.110
amended.

This section and RCW 48.31.120 to 48.31.180, inclusive, comprise and may be cited as the uniform insurers liquidation act. For the purposes of this act:

Uniform
insurers
liquidation
act.

(1) "Insurer" means any person, firm, corporation, association, or aggregation of persons doing an insurance business and subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization, or conservation by, the commissioner, or the equivalent insurance supervisory official of another state.

(2) "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(3) "State" means any state of the United States, and also the District of Columbia and Puerto Rico.

(4) "Foreign country" means territory not in any state.

(5) "Domiciliary state" means the state in which an insurer is incorporated or organized, or, in the case of an insurer incorporated or organized in a

foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of delinquency proceedings, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(6) "Ancillary state" means any state other than a domiciliary state.

(7) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of this act are in force, including the provisions requiring that the insurance commissioner or equivalent insurance supervisory official be the receiver of a delinquent insurer.

(8) "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders, or all policyholders and creditors in the United States, shall be deemed general assets.

(9) "Preferred claim" means any claim with respect to which the law of a state or of the United States accords priority of payment from the general assets of the insurer.

(10) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(11) "Secured claim" means any claim secured by mortgage, trust, deed, pledge, deposit as security, escrow, or otherwise, but not including special de-

posit claims or claims against general assets. The term also includes claims which more than four months prior to the commencement of delinquency proceedings in the state of the insurer's domicile have become liens upon specific assets by reason of judicial process.

(12) "Receiver" means receiver, liquidator, rehabilitator, or conservator as the context may require.

Passed the Senate February 13, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 195.

[S. B. 223.]

COUNTY ROADS AND CITY STREETS— COMPREHENSIVE PROGRAM.

AN ACT relating to county roads and city streets; and repealing section 5, chapter 156, Laws of 1949 and RCW 36.81.120.

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

SECTION 1. Prior to January 1, 1962, the board of county commissioners of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption by the board. Biennially thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The

Compre-
hensive road
program for
counties,
procedure.

Purpose.

purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a co-ordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

Comprehensive street program for cities, procedure.

SEC. 2. Prior to January 1, 1962, the legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption. Biennially thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a co-ordinated street construction program. Such program may at any time be revised by a majority of the legislative body of a city or town but only after a public hearing.

Purpose.

Repeal.

SEC. 3. Section 5, chapter 156, Laws of 1949, and RCW 36.81.120 are repealed.

Passed the Senate February 25, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 196.

[S. B. 229.]

MORTGAGE FORECLOSURES—REDEMPTION—
JUDGMENTS.

AN ACT relating to civil procedure and the collection of secured debts and providing for redemptions and the enforcement of judgments; and amending section 8, chapter 53, Laws of 1899 and RCW 6.24.140; section 10, chapter 53, Laws of 1899 and RCW 6.24.160; section 15, chapter 53, Laws of 1899, as last amended by section 6, chapter 8, Laws of 1957 and RCW 6.24.210; and amending section 617, chapter 50 (page 127), Laws of 1877, as amended by Code 1881, section 612 and RCW 61.12.070.

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

SECTION 1. Section 8, chapter 53, Laws of 1899, and RCW 6.24.140 are each amended to read as follows:

RCW 6.24.140
amended.

The judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than the judgment under which such purchase was made, the amount of such lien with interest: *Provided, however,* That whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment,

Sales under
execution, re-
demption.
Time for re-
demption—
Amount to be
paid.

the period of redemption shall be eight months after the said sale.

RCW 6.24.160
amended.

SEC. 2. Section 10, chapter 53, Laws of 1899, and RCW 6.24.160 are each amended to read as follows:

Certificate
of redemption.

If no redemption be made within the redemption period prescribed by RCW 6.24.140, the purchaser or his assignee is entitled to a conveyance; or, if so redeemed, whenever sixty days have elapsed, and no other redemption has been made, or notice given operating to extend the period of redemption, and the time for redemption has expired, the last redeemer or his assignee is entitled to a sheriff's deed; but in all cases the judgment debtor shall have the entire redemption period prescribed by RCW 6.24.140 from the date of the sale to redeem the property. If the judgment debtor redeem he must make the same payments as are required to effect a redemption by the redeemer. If the judgment debtor redeem, the effect of the sale is terminated and he is restored to his estate. A certificate of redemption must be filed and recorded in the office of the auditor of the county in which the property is situated, and the auditor must note the record thereof in the margin of the record of the certificate of sale.

RCW 6.24.210
amended.

SEC. 3. Section 15, chapter 53, Laws of 1899 as last amended, by section 6, chapter 8, Laws of 1957 and RCW 6.24.210 are each amended to read as follows:

Possession
during period
of redemption.

The purchaser from the day of sale until a resale or redemption, and the redeemer from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the period of redemption: *Provided*,

That when a mortgage contains a stipulation that in case of foreclosure the mortgagor may remain in possession of the mortgaged premises after sale and until the period of redemption has expired the court shall make its decree to that effect and the mortgagor shall have such right: *Provided, further,* That as to any land so sold which is at the time of the sale used for farming purposes, or which is a part of a farm used, at the time of sale, for farming purposes, the judgment debtor shall be entitled to retain possession thereof during the period of redemption and the purchaser or his successor in interest shall, if the judgment debtor does not redeem, have a lien upon the crops raised or harvested thereon during said period of redemption, for interest on the purchase price at the rate of six percent per annum during said period of redemption and for taxes becoming delinquent during the period of redemption together with interest thereon: *And, provided further,* That in case of any homestead selected in the manner provided by law and occupied for that purpose at the time of sale, the judgment debtor shall have the right to retain possession thereof during the period of redemption without accounting for issues for value of occupation.

SEC. 4. Section 617, chapter 50 (page 127), Laws of 1877 as amended by Code 1881, section 612, and RCW 61.12.070 are each amended to read as follows:

RCW 61.12.070
amended.

When there is an express agreement for the payment of the sum of money secured contained in the mortgage or any separate instrument, the court shall direct in the decree of foreclosure that the balance due on the mortgage, and costs which may remain unsatisfied after the sale of the mortgaged premises, shall be satisfied from any property of the mortgage debtor: *Provided, however,* That in all cases where the mortgagee or other owner of such mortgage has expressly waived any right to a deficiency judgment

Real estate
chattel
mortgages,
foreclosure.
Decree to
direct deficiency—
Waiver.

in the complaint, as provided by RCW 6.24.140, there shall be no such judgment for deficiency, and the remedy of the mortgagee or other owner of the mortgage shall be confined to the sale of the property mortgaged.

Passed the Senate February 28, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 197.

[S. B. 259.]

HEALTH CARE SERVICE CONTRACTORS.

AN ACT relating to health care services and agreements pertaining thereto; defining terms; setting the amount of bond or deposit required; defining certain unfair practices; requiring certain filings with the insurance commissioner; requiring certain qualifications for registration; prescribing powers and duties of the insurance commissioner relating to registration and enforcement; declaring an emergency; amending section 1, chapter 268, Laws of 1947 and RCW 48.44.010; amending section 2, chapter 268, Laws of 1947 and RCW 48.44.020; amending section 3, chapter 268, Laws of 1947 and RCW 48.44.030; and adding fifteen new sections to chapter 268, Laws of 1947 and to chapter 48.44 RCW.

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

RCW 48.44.010 amended.

SECTION 1. Section 1, chapter 268, Laws of 1947 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

Definitions. "Health care services".

(1) "Health care services" means and includes medical, surgical, dental, hospital and other therapeutic services. The services of an optometrist licensed by the state of Washington are also declared to be health care services for the purposes of this chapter.

"Doctor".

(2) "Doctor" means any person lawfully licensed or authorized to render any health care services.

(3) "Health care service contractor" means any corporation, cooperative group or association, which corporation, cooperative group or association is sponsored by or otherwise intimately connected with a group of doctors licensed by the state of Washington or by a group of hospitals licensed by the state of Washington; or doctor licensed by the state of Washington; or group of doctors licensed by the state of Washington, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

"Health care service contractor".

(4) "Participant" means a doctor or hospital who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid such contractor for such services.

"Participant".

SEC. 2. Section 2, chapter 268, Laws of 1947 and RCW 48.44.020 are each amended to read as follows:

RCW 48.44.020 amended.

Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participant.

Health care services. Agreement for services.

SEC. 3. Section 3, chapter 268, Laws of 1947 and RCW 48.44.030 are each amended to read as follows:

RCW 48.44.030 amended.

If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a participant, such activity shall not be subject to the laws

Indemnity to be underwritten by insurance policy, bond or cash deposit.

relating to insurance, but such agreement shall contain provision for reimbursement or indemnity of the persons paying for such services which agreement shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48.13 RCW, with the insurance commissioner, as hereinafter provided. If the agreement is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have paid for or contracted for such health care services. If the agreement is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have paid for or contracted for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of twenty-five thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the agreement is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of twenty-five thousand dollars or one-twelfth of the total sum of money received by the health care service contractor during the preceding twelve months as prepayment for health care services, whichever amount is greater. Such cash or security deposit shall be held

in trust by the insurance commissioner and shall be for the benefit of the persons who have paid for or contracted for such health care services.

SEC. 4. Forms of contracts between health care service contractors and participant doctors and/or hospitals shall be filed with the insurance commissioner prior to use.

Contract forms filed prior to use.

SEC. 5. Every health care service contractor shall file with the insurance commissioner lists of doctors and/or hospitals with whom or with which such health care service contractor has executed contracts of participation, certifying that each such doctor or hospital has executed such contract of participation. The health care service contractor shall immediately notify the insurance commissioner in writing in case of the termination of any such contract.

Contractor files list of contracting doctors, hospitals.

SEC. 6. The insurance commissioner shall refuse to accept the registration of any corporation, cooperative group, or association seeking to act as a health care service contractor if, in his discretion, the insurance commissioner deems that the name of the corporation, cooperative group, or association would be confused with the name of an existing registered health care service contractor or authorized insurance company.

Name similarity grounds for refusing registration.

SEC. 7. No person shall knowingly file with any public official or knowingly make, publish, or disseminate any financial statement of a health care service contractor which does not accurately state the health care service contractor's financial condition.

Filing misleading financial statement, unlawful.

SEC. 8. No person shall knowingly make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a health care service contractor, or relative to the business of a health care service contractor or to any person engaged therein.

Disseminating false advertising, unlawful.

Misrepresenting contract terms, unlawful.

SEC. 9. No person shall knowingly make, issue, or circulate, or cause to be made, issued, or circulated, a misrepresentation of the terms of any contract, or the benefits or advantages promised thereby, or use the name or title of any contract or class of contract misrepresenting the nature thereof.

Promising dividends, refunds, unlawful—Exception.

SEC. 10. No health care service contractor nor any individual acting on behalf thereof shall guarantee or agree to the payment of future dividends or future refunds of unused charges or savings in any specific or approximate amounts or percentages in respect to any contract being offered to the public, except in a group contract containing an experience refund provision.

Misrepresentations influencing membership, unlawful.

SEC. 11. No health care service contractor nor any person representing a health care service contractor shall by misrepresentation or misleading comparisons induce or attempt to induce any member of any health care service contractor to terminate or retain a contract or membership.

Use of registration certificate in advertising, unlawful.

SEC. 12. The granting of a certificate of registration to a health care service contractor is permissive only, and shall not constitute an endorsement by the insurance commissioner of any person or thing related to the health care service contractor, and no person shall advertise or display a certificate of registration for use as an inducement in any solicitation.

Violations grounds for suspending, disallowance, of registration.

SEC. 13. The insurance commissioner may, after notice and hearing, revoke, suspend, or refuse to accept or renew registration from any health care service contractor which has violated the provisions of, or does not comply with the requirements of, this chapter. The activity of any health care service contractor whose registration has been so revoked, suspended, or refused shall not be exempt from the laws relating to insurance.

SEC. 14. For the purposes of this chapter, the insurance commissioner shall be subject to and may avail himself of the provisions of chapter 48.04 RCW, which relate to hearings and appeals.

Administrative procedures act applicable.

SEC. 15. For the purposes of this chapter, the insurance commissioner shall have the same powers and duties of enforcement as are provided in RCW 48.02.080.

Enforcement, insurance commissioner.

SEC. 16. For the purposes of this chapter, the insurance commissioner shall be subject to and may avail himself of the provisions of RCW 48.03.070 relating to witnesses, subpoenas, depositions, and oaths.

Witnesses, oaths, etc., commissioner's authority.

SEC. 17. Nothing in section 1 of this amendatory act of 1961 shall affect the qualification of any currently registered health care service contractor which qualified as such under prior law, but which would not so qualify under section 1 of this amendatory act of 1961.

Section 1 of act—Construction.

SEC. 18. This amendatory act of 1961 is necessary for the immediate preservation of public peace, health and safety and shall take effect immediately.

Emergency.

Passed the Senate February 22, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 198.

[S. B. 296.]

COMMUNITY COLLEGES.

AN ACT relating to education; and adding ten new sections to chapter 115, Laws of 1945, and to chapter 28.84 RCW; and repealing sections 1 through 15, chapter 146, Laws of 1941, section 1, chapter 63, Laws of 1943, section 5, chapter 115, Laws of 1945 and RCW 28.01.070, 28.84.010 through 28.84.110 and 28.84.160.

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

New section.

SECTION 1. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

Community college defined —Program.

A community college shall be an institution established with the approval of the state board of education and maintained and operated by a school district, offering two year post high school curricula of general education or vocational-technical education, or both. The community college program shall offer:

(1) Curricula designed as preparatory to admission to an institution of higher learning with advanced standing, or

(2) Curricula designed as preparatory and/or as an extension to vocational-technical pursuits, or both, and may offer in addition thereto either or both of the following:

(a) Curricula designed for adult education, or

(b) A continuing course of activities designed to fulfill the cultural needs of the community, including, but not limited to, lectures and lecture forums, art, science and natural history exhibits, seminars, discussion groups, library discussion groups, and consultative use of members of the faculty in the community.

New section.

SEC. 2. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

The state board of education shall promulgate regulations governing, and approve, the establishment of community colleges. To aid the board in the promulgation of regulations and approval of the establishment of community colleges, the board shall seek the advice and counsel of representatives of public and private educational institutions, and representatives of public and private educational organizations, and representatives of the people of the state of Washington, as the board deems appropriate, and conduct such surveys of potential program areas as the board deems appropriate. In promulgating such regulations and in approving the establishment of community colleges, the board shall not set numerical or geographical restrictions, but shall determine the need for and approve the establishment of community colleges in light of the following criteria:

Duties of state board of education relating to community colleges.

(1) Concentration of population within a reasonable community service area;

Criteria for approving establishment of college.

(2) Total school enrollment in grades one through twelve, and in grades nine through twelve;

(3) The number of high school graduates within the area to be served;

(4) The probability of sustained growth in school enrollments within the area to be served;

(5) Identification of educational services needed within the area to be served;

(6) Local interest and attitudes toward the program within the area to be served;

(7) Ability of the area to be served to contribute to the financial support of the program;

(8) Consideration of the area in relation to existing institutions of higher learning, including vocational-technical institutions should be given to prevent overlapping or duplication of educational services.

SEC. 3. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

New section.

State board of education—
Further duties relating to community colleges.

The state board of education shall:

(1) Promulgate regulations governing the operation of community colleges including, among others, the following:

- (a) Regulations governing budgets;
- (b) Regulations governing administration;
- (c) Regulations governing the preparation of reports to the superintendent of public instruction.

(2) Do anything reasonably implied from the powers granted or necessary to carry out the provisions of this act.

New section.

SEC. 4. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

School district community college apportionment.

Any school district authorized by the state board of education to construct, operate and maintain a community college shall be allowed apportionment from state and county funds in accordance with law.

New section.

SEC. 5. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

School district duties relating to community colleges.

Every board of directors operating a community college, unless otherwise specially provided by law, shall:

(1) Perform all acts necessary or appropriate to the administration of the community college consistent with statutes governing school districts and the regulations of the state board of education;

(2) Employ for a period to be fixed by the board, a president, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate, and fix their salaries and duties;

(3) Discharge for sufficient cause any officer, faculty member or employee;

(4) Construct, equip and operate necessary community college facilities but not to include dormitories;

(5) Promulgate regulations governing the students enrolled in the community college;

(6) Receive such gifts, grants, conveyances, devises and bequests of real and personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state board of education; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(7) Prescribe fees to be paid by students enrolled in the community college, consistent with the regulations of the state board of education;

(8) Set up such special accounts with federal, state, county or other funds available for the community college program with the treasurer of the school district for such special purposes as the board deems in the best interest of the community college.

Note: See also section 1, chapter 20, Laws of 1961 extraordinary session.

SEC. 6. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows: New section.

Any school district not operating a community college may join with another district in applying to the state board of education for authorization to cooperate in financing the construction, equipping and operating a community college in that other district, and the state board of education may authorize such joint financing. Community college as joint school district venture.

SEC. 7. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows: New section.

The state or any school district operating a community college is authorized to receive federal funds Federal funds for community colleges.

made available for the assistance of community colleges, junior colleges or extended secondary schools and providing physical facilities exclusive of dormitories, maintenance or operation of schools, or for any educational purposes, according to the provisions of the acts of congress making such funds available. The state superintendent of public instruction is hereby designated the representative of the state of Washington in the receipt and administration of such federal funds as shall be received directly by the state of Washington.

New section.

SEC. 8. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

Admittance upon equal basis.

All residents of the state desiring to attend upon the courses offered by a school district above the usual twelve years common school education must be admitted thereto upon the same terms and conditions regardless of the district of their residence.

New section.

SEC. 9. There is added to chapter 115, Laws of 1945 and to chapter 28.84 RCW a new section to read as follows:

Vocational-technical institutes unaffected.

Nothing in this act shall be construed as affecting the existence or operation of vocational-technical institutes approved under rules and regulations of the state board for vocational education. Such approved schools shall be entitled to the apportionment which they now receive under RCW 28.41.070 (4) (5).

Severability.

SEC. 10. If any section or provision or part thereof of this act or its application to any person or circumstances shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof or its application to any person or circumstances shall not affect the validity of the remaining section, provisions or parts thereof or its application to any person or circumstances which are not judged to be invalid or unconstitutional.

SEC. 11. Upon a written application signed by the board of directors of a school district now operating existing extended secondary schools under the provisions of RCW 28.84.120 through RCW 28.84.150 commonly referred to as: (1) Centralia Junior College, (2) Clark College, (3) Columbia Basin College, (4) Everett Junior College, (5) Grays Harbor College, (6) Lower Columbia Junior College, (7) Olympic College, (8) Skagit Valley College, (9) Wenatchee Valley College, (10) Yakima Valley Junior College, and (11) Peninsula College, the state board of education may authorize the district to discontinue said program and in lieu thereof establish a community college as provided in this act. Nothing in this act should, however, be construed as authorizing more than two additional new community colleges.

Existing extended secondary schools may become community colleges.

Two additional colleges authorized.

SEC. 12. Sections 1 through 15, chapter 146, Laws of 1941, section 1, chapter 63, Laws of 1943, section 5, chapter 115, Laws of 1945 and RCW 28.01.070, 28.84.010 through 28.84.110 and 28.84.160, are each repealed.

Repeal.

Passed the Senate March 4, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 199.

[S. B. 303.]

CONVEYANCE OF KING COUNTY PROPERTY FOR MEDICAL AID FUND.

AN ACT relating to industrial insurance, and adding a new section to chapter 23, Laws of 1961 (House Bill No. 4), and to chapter 51.36 RCW.

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

SECTION 1. There is added to chapter 23, Laws of 1961 (House Bill No. 4), and to chapter 51.36 RCW a new section to read as follows:

New section.

State medical
aid property
may be leased,
sold.
Description.

The director of the department of labor and industries, upon determining that all or any portion of the real property described as follows: That portion of the northwest quarter of the northwest quarter of the northwest quarter of section 22, township 24 north, range 4 east, W.M., in King County, Washington, described as follows: Beginning at the northwest corner of said section; thence south 88 deg. 48 min. 45 sec. east 11.37 feet to intersect the center line of 32nd Avenue South; thence southerly along said center line, 31.61 feet; thence south 88 deg. 48 min. 45 sec. east 30.0 feet to the true point of beginning; thence along the southerly line of Alaska Street as established by Ordinance 72644 of the City of Seattle, south 86 deg. 49 min. 19 sec. east, 327.88 feet and south 88 deg. 48 min. 45 sec. east 262.38 feet to intersect the westerly line of 35th Avenue South at a point along the arc of a curve having a radius of 40.0 feet; thence in a southerly direction along the arc of said curve, consuming an angle of 42 deg. 07 min. 42 sec., a distance of 29.41 feet to the point of tangency of said curve; thence along said westerly line of 35th Avenue South, south 0 deg. 51 min. 30 sec. west 562.96 feet to intersect a line 100 feet north of and parallel with the northerly line of Edmunds Street; thence north 88 deg. 52 min. 30 sec. west along said parallel line 90.0 feet; thence south 0 deg. 51 min. 30 sec. west 33.62 feet; thence north 88 deg. 47 min. 14 sec. west 270.16 feet; thence north 0 deg. 51 min. 30 sec. east 34 feet; thence north 88 deg. 47 min. 14 sec. west 60.04 feet; thence south 0 deg. 51 min. 15 sec. west 34.0 feet; thence north 88 deg. 47 min. 14 sec. west 180.00 feet; thence north 0 deg. 51 min. 15 sec. east 634.59 feet to the true point of beginning; EXCEPT that portion thereof conveyed to George W. Gross and Betty Raye Gross, his wife, by deed dated January 1, 1953, and recorded January 14, 1953, under auditor's file No. 4306569, is not presently needed for medical aid pur-

poses, but that it will be needed in the future, may rent or lease such real property, for the benefit of the medical aid fund upon such terms and conditions as he deems best. The director of the department of labor and industries, upon determining that all or any portion of the unimproved real property included in the above description is no longer needed for medical aid purposes, is authorized to dispose of such real property, for the benefit of the medical aid fund, in such manner and upon such terms and conditions as he deems best.

Disposition of moneys received.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 200.

[S. B. 366.]

CITIES AND TOWNS—PETITIONS FOR INCORPORATION, ANNEXATION.

AN ACT relating to cities and towns; adding a new section to chapter 35.02 RCW; and adding a new section to chapter 35.13 RCW.

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

SECTION 1. There is added to chapter 35.02 RCW a new section to read as follows:

New section.

After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation or annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: *Provided*, That any petition for incorporation may be withdrawn, or a new petition

Filing of petition of incorporation, annexation, with auditor as bar to action on another.

embracing other or different boundaries may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition.

New section.

SEC. 2. There is added to chapter 35.13 RCW a new section to read as follows:

Filing of petition for annexation with public body as bar to action on another.

After the filing of any petition for annexation with the board of county commissioners, or city or town council, and pending its final disposition as provided for in this chapter, no other petition for annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition.

Passed the Senate February 27, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 201.

[S. B. 371.]

MOTOR VEHICLE PLATES FOR REPRESENTATIVES
OF FOREIGN GOVERNMENTS.

AN ACT relating to motor vehicles and the issuance of motor vehicle license plates; and providing for special license plates for consuls and other official representatives of foreign government.

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

Special license plates for representatives of foreign governments.

SECTION 1. (1) Every consul or other official representative of any foreign government who is a citizen of the United States of America, duly licensed and holding an exequator issued by the department of state of the United States of America is entitled to

apply to the state director of licenses for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. In addition to paying all other initial fees required by law there shall be collected from each applicant for such special license plates an additional license fee of twenty-five dollars upon the issue of such plates which fee shall not apply for those years in which tabs are issued. Application for renewal of such license plates must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of such facts as the director shall deem necessary for issuance thereof.

(2) Whenever such owner or lessee as provided in subsection (1) hereof transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, such plates shall be removed from the motor vehicle, and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director of licenses to be reissued upon payment of the regular license fee. Whenever such owner or lessee as provided in subsection (1) hereof shall for any reason be relieved of his duties as such consul or official representative of a foreign government he shall immediately forward the special plates to the director of licenses who shall upon receipt thereof provide such plates as are otherwise provided by law.

Fee.

Transfer, re-
linquishment
of plates,
when.

Passed the Senate February 22, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 202.

[S. B. 394.]

STATE COLLEGES OF EDUCATION—RETIREMENT,
ANNUITY PLANS.

AN ACT relating to the state colleges of education; amending section 1, chapter 76, Laws of 1957, and RCW 28.81.140; amending section 2, chapter 76, Laws of 1957, and RCW 28.81.150; and amending section 3, chapter 76, Laws of 1957, and RCW 28.81.160.

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

RCW 28.81.140 amended.

SECTION 1. Section 1, chapter 76, Laws of 1957, and RCW 28.81.140 are each amended to read as follows:

State colleges of education. Annuities, retirement income plans for faculty.

The board of trustees of each of the state colleges of education are authorized and empowered:

(1) To assist the faculties of their respective institutions in the purchase of old age annuities or retirement income plans under such rules and regulations as the trustees of said institutions may prescribe.

(2) To provide, under such rules and regulations as any such board may prescribe for the institution under its supervision, for the retirement of any such faculty member on account of length of service, age, or condition of health: *Provided*, That retirement on account of age shall not be earlier than the sixty-fifth birthday.

(3) In addition to, and in supplementation of such old age annuity or retirement income plans, to provide for federal old age and survivors insurance and such coverage shall be provided in accordance with the provisions of chapter 41.48 RCW: *Provided*, That prior approval by the state legislature of the proposed plan, costs and necessary structural adjustment to an existing system to conform to the proposed plan shall not be necessary.

RCW 28.81.150 amended.

SEC. 2. Section 2, chapter 76, Laws of 1957, and RCW 28.81.150 are each amended to read as follows:

Members of the faculties of the respective state colleges of education providing for a retirement program under authority of RCW 28.81.140 through 28.81.170 shall be required to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity and retirement income plans and, in the event old age and survivors insurance is provided, shall pay such additional amounts as may be required of them as employees under the federal social security laws.

—Contributions by faculty members.

SEC. 3. Section 3, chapter 76, Laws of 1957 and RCW 28.81.160 are each amended to read as follows:

RCW 28.81.160 amended.

In no case shall the trustees pay in any one year towards the purchase of such annuity and retirement income plans more than half of the annual premium of any faculty member, nor an amount exceeding seven and one-half percent of such person's salary, whichever is less: *Provided*, That the seven and one-half percent factor shall, among other things, be based upon the old age and survivors insurance employer's contributions rates as they exist on January 1, 1961 and as such contribution rates are increased by the federal government, the seven and one-half percent factor shall be increased to such percentage as will permit a continuance of the payment of the old age and survivors contributions without derogating from other retirement contributions.

—Limitation on institution's contribution.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 203.

[S. B. 401.]

SCHOOL BUSES—STOP SIGNALS AND LAMPS.

AN ACT relating to school buses; and amending section 46.48.130, chapter 12, Laws of 1961 (House Bill No. 2), and RCW 46.48.130.

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

RCW 46.48.130 amended.

SECTION 1. Section 46.48.130, chapter 12, Laws of 1961 (House Bill No. 2), and RCW 46.48.130 are each amended to read as follows:

Stop signals and flasher signal lamps required on school buses — Display of.

All school buses shall be equipped with a “stop” signal upon a background not less than fourteen by eighteen inches displaying the word “stop” in letters of distinctly contrasting colors not less than eight inches high. All school buses which are put into service after June 6, 1945 shall also be equipped with red lamps of a type approved by the state commission on equipment, which shall display a flashing signal. Such sign and lamps shall be displayed as directed by the chief of the Washington state patrol and shall display both to the front and rear of such school bus, manually controlled by the operator of the school bus. The stop sign and flashing lamps shall be displayed at all times while such school bus is receiving or discharging school passengers, except:

(1) When school passengers do not have to cross a highway and the bus is stopped completely off the roadway; or

(2) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or

(3) When the bus is stopped at school for the purpose of receiving or discharging school passengers and school passengers are not required to cross the roadway.

Passed the Senate February 28, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 204.

[S. B. 408.]

CERTIFIED MAIL.

AN ACT relating to registered mail; and adding a new section to chapter 1.12 RCW.

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

SECTION 1. There is added to chapter 1.12 RCW a new section to read as follows: New section.

Whenever the use of "registered" mail is authorized by this code, "certified" mail, with return receipt requested, may be used. Code construction of "registered mail".

Passed the Senate February 23, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 205.

[S. B. 411.]

PUBLIC OFFICERS—SIGNING VOUCHERS.

AN ACT relating to signing of vouchers by public officers and employees; and amending section 1, chapter 339, Laws of 1955, as amended by section 1, chapter 77, Laws of 1957 and RCW 42.24.030.

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

SECTION 1. Section 1, chapter 339, Laws of 1955, as amended by section 1, chapter 77, Laws of 1957 and RCW 42.24.030 are each amended to read as follows: RCW 42.24.030 amended.

All persons furnishing materials, rendering service or performing labor, or receiving certificates of indebtedness from any disbursing officer of any county, city, district, or precinct, shall furnish a certificate, certifying on honor that he has furnished materials, rendered services, or performed labor, as described and that the claim is just, due and unpaid, Vouchers on public funds. Certificates of indebtedness, requirements—Penalty for false certificate.

which certificate shall be a part of the voucher: *Provided, however,* That the certificates required by officers and employees of any county, city, district, or precinct for services rendered, shall be made by the person charged with the duty of preparing and submitting vouchers for the payment of services, and he shall certify that the claim is just, due and unpaid, which certificate shall be part of the voucher.

The certificate need not be sworn to but any person certifying a claim knowing the same to be false or untrue shall be guilty of perjury in the second degree.

Passed the Senate February 25, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 206.

[S. B. 422.]

GUARDIANS FOR DEPENDENT CHILDREN.

AN ACT relating to public assistance; and adding a new section to chapter 26, Laws of 1959 and to chapter 74.12 RCW.

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

New section.

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Guardianship
for safeguard-
ing aid to
dependent
children
grants,
procedure.

If the department, after investigation, finds that any recipient of funds under an aid to dependent children grant is not utilizing the grant adequately for the needs of the child or children or is otherwise dissipating such grant, the department may request the attorney general to file a petition in the superior court for the appointment of such recipient as guardian of the assistance grant in behalf of the child or children. Such petition shall set forth the facts warranting such appointment. Notice of the hearing

on such petition shall be served upon the recipient and the department not less than ten days before the date set for such hearing. Such petition may be filed with the clerk of superior court and all process issued and served without payment of costs. If upon the hearing of such petition the court is satisfied that it is for the best interest of the child or children, and all parties concerned, that such guardian be appointed, he shall order such appointment, and may require such guardian to render to the court a detailed itemized account of expenditures of such assistance payments at such time as the court may deem advisable.

It is the intention of this act that the guardianship herein provided for shall be a special and limited guardianship solely for the purpose of safeguarding the assistance grants made to dependent children. Such guardianship shall terminate upon the termination of such assistance grant, or sooner on order of the court, upon good cause shown.

Passed the Senate February 22, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 207.

[Sub. S. B. 427.]

REGULATION OF SOURCES OF IONIZING RADIATION.

AN ACT relating to the development, regulation, and utilization of sources of ionizing radiation; prohibiting the operation of certain devices; providing penalties; and repealing chapter 92, Laws of 1957 and RCW 43.39.010 through 43.39.120.

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

SECTION 1. *Declaration of Policy.* It is the policy of the state of Washington in furtherance of its responsibility to protect the public health and safety and to encourage, insofar as consistent with this

responsibility, the industrial and economic growth of the state:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the federal government, (b) a single, effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to encourage widespread participation in the development and utilization of sources of ionizing radiation and atomic energy for peaceful purposes to the maximum extent consistent with the health and safety of the public.

SEC. 2. *Purpose.* It is the purpose of this act to effectuate the policies set forth in section 1 by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized;

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to byproduct, source, and special nuclear materials;

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

SEC. 3. *Definitions.* (1) *Byproduct material* means any radioactive material (except special nuclear material) yielded in or made radioactive by

exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) *Ionizing radiation* means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) *Person* means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(4) *Source material* means (a) uranium, thorium, or any other material which the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(5) *Special nuclear material* means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(6) *Registration* means registration with the state department of health by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of health.

(7) *Radiation source* means any type of device or substance which is capable of producing or emitting ionizing radiation.

SEC. 4. *Nuclear energy promotion and development.* The department of commerce and economic development is hereby designated as the agency of state government for the promotion and development of nuclear energy in this state. The department of commerce and economic development, by and through the director or his duly authorized officers or employees, shall, subject to the supervision and direction of the governor, have the following functions, powers, and duties:

(1) To advise the governor and the legislature with regard to the status of nuclear energy research, development, and education, and to make recommendations to the governor and the legislature designed to assure increasing progress in this field within the state.

(2) To advise and assist the governor and the legislature in developing and promoting a state policy for nuclear energy research, development, and education.

(3) To sponsor or conduct studies, collect and disseminate information, and issue periodic reports with regard to nuclear energy research, development, and education and proposals for further progress in the field of nuclear energy.

(4) To foster and support research and education relating to nuclear energy through contracts or other appropriate means of assistance.

(5) To gather, maintain, and disseminate available information concerning sites throughout the

state and the advantages of locating nuclear energy industries within the state.

(6) To keep the public informed with respect to nuclear energy development within the state and the activities of the state relating thereto.

SEC. 5. *State radiation control agency.* (1) The department of health is hereby designated as the state radiation control agency, hereinafter referred to as the agency.

(2) The director of the state department of health shall be director of the agency, hereinafter referred to as the director, who shall perform the functions vested in the agency pursuant to the provisions of this act.

(3) The agency shall appoint a State Radiological Control Officer, and in accordance with the laws of the state, fix his compensation and prescribe his powers and duties. Such officer shall be competent to evaluate radiological health hazards associated with the many uses of radioactive material and other sources of ionizing radiation. He shall at least have a baccalaureate degree, be trained in the physical and/or life sciences, and shall have had experience in health physics.

(4) In accordance with the laws of the state, the agency may appoint, employ, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants and advisory councils and committees, as may be necessary to carry out the provisions of this act. The personnel engaged in field activities of evaluation and inspection shall at least have a baccalaureate degree in the physical or life sciences, or the equivalent, and be trained in health physics.

(5) The agency shall for the protection of the public health and safety:

(a) Develop programs for evaluation of hazards associated with use of ionizing radiation;

(b) Develop programs with due regard for com-

patibility with federal programs for regulation of byproduct, source, and special nuclear materials;

(c) Formulate and, with the approval of the technical advisory board, adopt, promulgate, and repeal codes, rules and regulations relating to control of sources of ionizing radiation;

(d) Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(e) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(f) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation;

(g) Collect and disseminate information relating to control of sources of ionizing radiation, including:

(i) Maintenance of a file of all licenses issued in this state by the United States Atomic Energy Commission, or any successor thereto;

(ii) Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this act and any administrative or judicial action pertaining thereto; and

(iii) Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

(h) In connection with any contested case as defined by RCW 34.04.010 or any other administrative proceedings as provided for in this act, have the power to issue subpoenas in order to compel the at-

tendance of necessary witnesses and/or the production of records or documents.

SEC. 6. *Technical advisory board on radiation control.* The director of health, with the approval of the governor, shall appoint a technical advisory board to serve in an advisory capacity to the agency, which shall furnish technical advice to the agency and shall advise with reference to matters of policy affecting administration of this act, and approve the rules and regulations provided for herein. The board shall be comprised of nine individuals including representatives of the healing arts, research, industrial and other recognized users of ionizing radiation or experts in the field of physiological affects of ionizing radiation: *Provided*, That no more than two individuals shall represent any single profession or scientific discipline.

The director of the agency shall be ex officio chairman of the board without vote except in cases of a tie. The state radiation control officer shall be a member of the board ex officio without vote and serve as secretary to the board. The members' term of office shall be four years except that the terms of those first appointed shall expire as follows: Two at the end of one year after effective date, two at the end of two years after such date, two at the end of three years after such date, and three after the end of four years after such date as designated by the director at the time of appointment. If a vacancy occurs, the director shall appoint a member for the remaining portion of that term.

The board shall hold meetings at the call of the chairman or upon request of any four members. The members of the board shall serve without compensation but shall be reimbursed by the agency for the actual expenses incurred in the discharge of their official duties.

SEC. 7. *Advisory council on nuclear energy and radiation.* (1) There is hereby created an advisory

council on nuclear energy and radiation, hereinafter referred to as the council, consisting of seven members appointed by the governor and serving at his pleasure. Membership on the advisory council shall include, but not be limited to, representatives from industry, labor, the healing arts, research and education. In addition the directors of the department of health, department of labor and industries, department of agriculture, and the department of commerce and economic development shall serve as ex officio members of the council. The governor shall designate from his appointees a member to serve as chairman of the council. Members of the council shall receive no salary or compensation for services but shall be reimbursed for actual expenses incurred while engaged in the business of the council.

(2) The council shall:

(a) Review and evaluate policies and programs of the state relating to ionization radiation.

(b) Make recommendations to the governor and furnish such advice as may be required on matters relating to development, utilization, and regulation of sources of ionizing radiation.

(c) Make an annual report to the governor.

(d) Review, after any agency, agencies, board or commission has held any public hearing required by this act or chapter 34.04 RCW prior to promulgation and filing with the code reviser, the proposed rules and regulations of the state radiation control agency and all other boards, agencies, and commissions of this state relating to use and control of sources of ionizing radiation to determine that such rules and regulations are consistent with rules and regulations of other agencies, boards, and commissions of the state. Proposed rules and regulations shall not be filed with the code reviser until sixty days after submission to the board unless the board waives all or any part of such sixty day period.

(e) When the board determines that any proposed rules or regulations or parts thereof are inconsistent with rules and regulations of other agencies, boards, or commissions of the state, the board will so advise the governor and the appropriate agency, agencies, boards or commissions, and consult with them in an effort to resolve any such inconsistencies.

(f) Have the power to employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to properly carry out the duties of the council from whatever funds which may be made available to the council for such purpose, including the power to employ an executive secretary to perform the administrative functions of the council.

SEC. 8. *Registration of sources of ionizing radiation.*

(1) The agency may require registration of all sources of ionizing radiation.

(2) The agency may exempt certain sources of ionizing radiation or kinds of uses or users from the registration requirements set forth in this section when the agency makes a finding after approval of the technical advisory board that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(3) Rules and regulations promulgated pursuant to this act may provide for recognition of other state or federal licenses as the agency shall deem desirable, subject to such registration requirements as the agency may prescribe.

SEC. 9. *Inspection.* The agency or its duly authorized representative shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the pro-

visions of this act and rules and regulations issued thereunder, except that entry into areas under the exclusive jurisdiction of the federal government, or security areas under the direct or indirect jurisdiction of the federal government, shall be effected only with the concurrence of the federal government or its duly designated representative.

SEC. 10. *Records.* (1) The agency shall require each person who possesses or uses a source of ionizing radiation to maintain necessary records relating to its receipt, use, storage, transfer, or disposal and such other records as the agency may require which will permit the determination of the extent of occupational and public exposure from the radiation source. Copies of these records shall be submitted to the agency on request. These requirements are subject to such exemptions as may be provided by rules.

(2) The agency may by rule and regulation establish standards requiring that personnel monitoring be provided for any employee potentially exposed to ionizing radiation and may provide for the reporting to any employee of his radiation exposure record.

SEC. 11. *Federal-state agreements.* The governor, on behalf of this state, is authorized to enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this state pursuant to this act.

SEC. 12. *Inspection agreements and training programs.* (1) The agency is authorized to enter into an agreement or agreements with the federal government, other states, or interstate agencies, whereby this state will perform on a cooperative basis with the federal government, other states, or interstate agencies, inspections or other functions relating to control of sources of ionizing radiation.

(2) The agency may institute training programs

for the purpose of qualifying personnel to carry out the provisions of this act and may make said personnel available for participation in any program or programs of the federal government, other states, or interstate agencies in furtherance of the purposes of this act.

SEC. 13. *Administrative procedure.* In any proceeding under this act for the issuance or modification or repeal of rules and regulations relating to control of sources of ionizing radiation, the agency shall comply with the requirements of RCW 34.04-.020.

Notwithstanding any other provision of this act, whenever the agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, the agency may, in accordance with RCW 34.04.030 without notice or hearing, issue a regulation or order reciting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. As specified in RCW 34.04.030, such regulations or orders shall be effective immediately.

SEC. 14. *Injunction proceedings.* Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this act, or any rule, regulation, or order issued thereunder, the attorney general upon the request of the agency, after notice to such person and opportunity to comply, may make application to the appropriate court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the agency that such person has engaged in, or is about to engage in, any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

SEC. 15. *Prohibited uses.* It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any source of ionizing radiation unless registered with, or exempted by the agency in accordance with the provisions of this act.

SEC. 16. *Impounding of materials.* The agency shall have the authority in the event of an emergency to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this act or any rules or regulations issued thereunder.

SEC. 17. *Prohibition fluoroscopic x-ray shoefitting devices.* The operation or maintenance of any x-ray, fluoroscopic, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet is prohibited. This prohibition does not apply to any licensed physician, surgeon, chiroprapist, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons.

SEC. 18. *Exemptions.* This act shall not apply to the following sources or conditions:

(1) Electrical equipment that is not intended primarily to produce radiation, and that, by nature of design, does not produce radiation at the point of nearest approach at a weekly rate higher than one-tenth the appropriate limit for any critical organ exposed. The production testing or production servicing of such equipment shall not be exempt.

(2) Radiation machines during process of manufacture, or in storage or transit: *Provided*, That this exclusion shall not apply to functional testing of such machines.

(3) Any radioactive material while being transported in conformity with regulations adopted by

the Atomic Energy Commission, or any successor thereto, or the Interstate Commerce Commission, and specifically applicable to the transportation of such radioactive materials.

(4) No exemptions under this section are granted for those quantities or types of activities which do not comply with the established rules and regulations promulgated by the Atomic Energy Commission, or any successor thereto.

SEC. 19. *Professional uses.* Nothing in this act shall be construed to limit the kind or amount of radiation that may be intentionally applied to a person for diagnostic or therapeutic purposes by or under the immediate direction of a licensed practitioner of the healing arts acting within the scope of his professional license.

SEC. 20. *Penalties.* Any person who violates any of the provisions of this act or rules, regulations, or orders in effect pursuant thereto shall be guilty of a gross misdemeanor.

SEC. 21. *Severability.* If any part, or parts of this act shall be held unconstitutional, the remaining provisions shall be given full force and effect, as completely as if the part held unconstitutional had not been included herein, if any such remaining part or parts can then be administered for the declared purposes of this act.

SEC. 22. *Repeal.* Chapter 92, Laws of 1957 and RCW 43.39.010 through 43.39.120 are each hereby repealed.

SEC. 23. *Effective date.* The provisions of this act relating to the control of byproduct, source and special nuclear materials shall become effective on the effective date of the agreement between the federal government and this state as authorized in section 11 of this act. All other provisions of this act shall become effective on the 30th day of June, 1961.

SEC. 24. *Recommended legislation.* The agency and the council shall study, formulate, and recommend to the legislature from time to time specific recommendations to further the purposes of this act.

SEC. 25. *Section headings not part of law.* Section headings as used in this act do not constitute any part of the law.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 208.

[S. B. 430.]

CORPORATIONS—RESTATEMENT OF ARTICLES.

AN ACT relating to private business corporations; providing for a restatement of the articles of incorporation and the filing and effect thereof; adding a new section to chapter 185, Laws of 1933 and to chapter 23.01 RCW; and amending section 17, chapter 70, Laws of 1937 and RCW 23.52.040.

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

New section

SECTION 1. There is added to chapter 185, Laws of 1933 and to chapter 23.01 RCW a new section to read as follows:

Business corporations act.
Restatement of articles of incorporation
—Procedure
—Effect.

(1) A domestic corporation may, at any time, by resolution of its board of directors and without the necessity of approval by its shareholders, restate in a single document the entire text of its articles of incorporation, as previously amended, supplemented or restated, by filing in the office of the secretary of state a document entitled "Restated Articles of Incorporation of (insert name of corporation)" which shall set forth the articles as amended and supplemented to the date of the restated articles.

(2) The restated articles of incorporation shall not alter or amend the original articles or any amendment thereto in any substantive respect and shall

contain all the statements required by this chapter to be included in the original articles of incorporation, except that in lieu of setting forth the names and addresses of the first board of directors, the restated articles shall set forth the names and addresses of the directors in office at the time of the adoption of the restated articles; and no statement need be made with respect to the names and addresses of the incorporators or shares subscribed by them.

(3) The restated articles of incorporation shall be prepared in triplicate originals, signed by the president or vice president and by the treasurer, secretary or assistant secretary, of the corporation and shall be verified by their signed affidavits, (a) that they have been authorized to execute such restated articles by resolution of the board of directors adopted on the date stated, (b) that the restated articles correctly set forth the text of the articles of incorporation as amended and supplemented to the date of the restated articles and (c) that the restated articles supersede and take the place of theretofore existing articles of incorporation and amendments thereto.

(4) The triplicate originals of the restated articles of incorporation shall be delivered to the secretary of state. If the secretary of state finds that the restated articles conform to law, he shall put an endorsement of his approval upon each set, and when all taxes, fees and charges therefor have been paid as required by law, he shall file one of such sets in his office and record the same and shall issue a certificate of restated articles of incorporation. Thereupon the restated articles of incorporation shall become effective.

(5) The certificate of restated articles of incorporation, together with the two remaining sets of the restated articles of incorporation bearing the endorsement of the fact and time of filing in the office of the secretary of state, shall be returned to the

corporation. One of the sets of the restated articles of incorporation shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located, and the other shall be retained by the corporation.

(6) The restated articles of incorporation shall supersede and take the place of theretofore existing articles of incorporation and amendments thereto and shall have the same effect and may be used for the same purposes as original articles of incorporation.

RCW 23.52.040
amended.

SEC. 2. Section 17, chapter 70, Laws of 1937 and RCW 23.52.040 are each amended to read as follows:

Foreign cor-
porations.
Filing and
recording
copy of
foreign ar-
ticles or
restatement of
articles.

Every foreign corporation, before it shall be authorized or permitted to transact any business in this state, or to continue business herein if already established, shall cause to be filed and recorded in the office of the secretary of state a certified copy of its charter, articles of incorporation, memorandum of association, or certificate of incorporation, and a certified copy of each and all of the amendments or supplements to such charter, articles of incorporation, memorandum of association or certificate of incorporation, and a certified copy of each and all of its certificates of increase or decrease of its capital stock, each of said instruments to be certified to by the officer who is the custodian of the same according to the laws of the state or territory, country or colony, where such corporation is incorporated, or who is authorized to issue certificates of incorporation according to the laws of such state, territory, or foreign country or colony. If under the laws of the state, territory, foreign country or colony under which the corporation is incorporated, restated, consolidated or composite articles of incorporation have the same effect as the original articles of incorporation and all amendments and supplements thereto, then a foreign corporation may, in lieu thereof, file a restated, consolidated or com-

posite articles of incorporation duly authenticated by the officer who is the custodian of the same according to the laws of the state, territory, country or colony where such corporation is incorporated or who is authorized to issue restated, consolidated or composite articles of incorporation according to the laws of such state, territory, foreign country or colony. The instruments herein required to be filed and recorded shall be attested by such certifying officer under his hand and seal of office, which attestation shall be prima facie proof of the facts therein stated, and of the genuineness of the certificate. If such officer has no official seal, his certificate shall state that fact over his signature, and thereupon the secretary of state, or of the territory, in case of corporations within the United States, and the consul-general, consul, vice consul, deputy consul, consular agent, or commercial agent of the United States, at or nearest to the place where such certificate is made, in the case of corporations not within the United States, shall certify under his hand and seal of office to the genuineness of the signature of the officer making the certificate, and to the fact that at the time of making such certificate the person making the same held the office described in the certificate.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 209.

[Sub. S. B. 431.]

COLUMBIA RIVER TOLL BRIDGE.

AN ACT relating to a toll bridge over the lower Columbia river; and repealing sections 47.56.510 through 47.56.560, chapter 13, Laws of 1961 and RCW 47.56.510 through 47.56.560.

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

Toll bridge over lower Columbia river, commission authorization to aid in erection.

SECTION 1. The Washington state highway commission is hereby authorized in conjunction with the Oregon state highway commission to erect a bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river in the vicinity of Astoria, Oregon and Megler, Washington. Such bridge shall be an integral part of U. S. highway No. 101 and to the Oregon boundary shall be a part of primary state highway No. 12. All acts necessary to the design and construction of said new bridge and approaches thereto may be done and performed by either the Oregon state highway commission or the Washington state highway commission with the approval of the other or by both of them jointly.

Commission authorization for federal cooperation.

SEC. 2. In order to carry out the provisions of this act the Washington state highway commission may consult, cooperate and enter into agreements with the government of the United States or any of its agencies and accept and expend moneys from any public or private source, including the government of the United States or any political subdivision, which is now or may be made available for carrying out the purposes contained in this act.

Commission authorization to enter into agreements with Oregon commission —Contents.

SEC. 3. Subject to the conditions stated in section 7 of this act, the Washington state highway commission is hereby authorized to enter into such agreements with the Oregon state highway commis-

sion as it shall find necessary or convenient to carry out the purposes of this act.

Any such agreements shall include, but shall not be limited to, the following:

(1) A provision that the state of Oregon or the Oregon state highway commission shall issue general obligation bonds in the aggregate principal sum of not to exceed twenty-four million dollars par value or so much thereof as shall be required to pay all costs of location and construction of said bridge, but excluding costs of location, relocation, improvement, construction or reconstruction of approaches as the same are shown and described in "A Report On A Proposed Bridge Across The Columbia River," prepared by the Oregon and Washington state highway commissions, dated January, 1959. In determining the amount of money required for construction, there shall be taken into account all available financial contributions for such construction costs, of whatever description and from whatever source.

(2) A provision that to the extent that revenues derived from the imposition and collection of tolls and franchise fees for the use of the bridge in any year are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by Oregon or any subsequent refunding bond issues, the state of Oregon will pay the first one hundred thousand dollars of such deficit and the state of Washington is bound to pay, when due, forty percent of the balance of such deficit for such year from any moneys in the motor vehicle fund not otherwise pledged or from any other source available to the Washington state highway commission for said purpose: *Provided*, That in no case shall the portion of such deficit paid by the state of Washington exceed two hundred thousand dollars in any such year.

(3) A provision that the Oregon state highway commission shall assume and have complete responsibility for the operation of the bridge as a toll facility and each portion thereof, whether within or without the borders of Washington and with full power in the Oregon state highway commission to impose and collect all toll charges and franchise fees from the users of said bridge and to disburse the revenue derived therefrom for the following purposes in the following order:

(a) Payment of all costs of toll collection and insurance in the event the bridge is insured.

(b) Payment of the principal, interest and other charges incidental to the issuance, sale and retirement of the bonds herein provided for including any subsequent refunding bonds.

(4) A provision that the Oregon state highway commission, after consultation with the Washington state highway commission shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Washington state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed.

(5) A provision that all acts pertaining to the design and construction of said bridge may be done and performed by the Oregon state highway commission or the Washington state highway commission with the approval of the other, or by both, and that any and all contracts for the construction of the bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission, or both: *Provided, however,* That there shall be a further provision that each state shall have full power to design and construct approaches to the bridge within the respective boundaries of each state. Such approaches shall

constitute a part of the state highways system of each state and the cost of design, right of way and construction thereof shall be borne by the respective states from any funds available for such purposes. In the event design or construction of approaches is included in any contract for the construction of the bridge, the cost of such approaches within the respective boundaries of each state shall be segregated and paid for by the respective states.

Any such agreements may include, but shall not be limited to the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred subsequent to March 1, 1961 for any of the purposes for which said bonds may be issued by the state of Oregon, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington state highway commission.

(2) A provision that during the period of operation of said bridge as a toll facility all or any part of the maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington state highway commission with a provision for payment of the costs of such maintenance and repair one-half from the Oregon state highway commission and one-half from the Washington state highway commission.

SEC. 4. To the extent that all revenues from the imposition and collection of tolls and franchise fees

Charge on motor vehicle fund moneys declared.

for use of the bridge are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by the state of Oregon in connection with this project, or on any subsequent refunding bond issues, there is hereby imposed, to the extent provided in first subsection 2 of section 3 of this act, a first and prior charge against all revenues hereafter derived from the proceeds of state excise taxes on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes.

To the extent that revenues of the project are insufficient to meet required payments of principal, interest and other charges incidental to the issuance, sale and retirement of bonds, the Washington state highway commission shall use moneys in the motor vehicle fund to pay its share of such deficits.

Procedure for paying state share.

SEC. 5. The payments provided for in section 4 of this act, as they come due, shall be authorized by the Washington state highway commission and paid by warrants signed by the state treasurer, upon the duly verified itemized statements of the Oregon state highway commission showing the amount due from the state of Washington required to meet its share of any deficit computed as provided in subsection 2 of section 3 of this act.

Maintenance costs, bridge approaches, payment for by state.

SEC. 6. The Washington state highway commission shall pay one-half of all costs of maintenance and repair of said bridge from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways. The Washington state highway commission shall pay for the costs of design, right of way and construction of approaches to said bridge within the boundaries of the state of Washington from funds appropriated for the use of the Washington state highway commission for construc-

tion and maintenance of the primary state highways or from any other funds available for said purpose.

SEC. 7. The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by section 3 unless and until:

Prerequisites for state to enter into contracts with Oregon commission.

(1) Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by any of the methods authorized in RCW 47.56.250; and

(2) Pacific county has, at the request of the state highway commission and by resolution of its board of county commissioners, assigned and pledged for a period of thirty years the sum of forty thousand dollars per year of Pacific county's allocation of motor vehicle fuel taxes for the purpose of reimbursing the motor vehicle fund for a portion of the payments made by the Washington state highway commission to the state of Oregon pursuant to section 4 of this act: *Provided*, That such pledge and assignment shall not exceed in any one year, one-third of the total payment made by the state highway commission to the state of Oregon pursuant to section 4 of this act.

SEC. 8. In the event Pacific county makes the contribution authorized in subsection 1 of section 7 of this act, such contribution shall be placed in the motor vehicle fund and shall be available for state highway purposes.

Disposition of county contribution.

SEC. 9. In the event Pacific county pledges and assigns a portion of its allocation of motor vehicle

Pacific county
pledge and
assignment,
procedure to
carry out.

fuel taxes as authorized in subsection 2 of section 7 of this act, payments pursuant to such pledge and assignment shall be made as follows: The state highway commission, at least six months prior to the beginning of such fiscal year commencing with the fiscal year in which the first payment is to be made by the state of Washington to the state of Oregon as provided in section 4 of this act, shall notify the treasurer of the amount of Pacific county's gas tax, pledged and assigned for the ensuing fiscal year, and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to Pacific county during such fiscal year, retain such percentage of the monthly sums credited to Pacific county as aforesaid in the motor vehicle fund as will equal the total pledge of Pacific county for such year. The sums so retained shall be available for state highway purposes.

Toll-free
bridge, when.

SEC. 10. The bridge herein provided for shall be operated as a toll-free bridge whenever the bonds to be issued by the state of Oregon together with interest thereon have been fully paid, unless the state of Washington and the state of Oregon hereafter agree through their highway commissions that tolls shall be retained on the bridge to repay in whole or in part the respective states for moneys advanced to pay principal or interest on the bonds issued by the state of Oregon.

Repeal.

SEC. 11. Sections 47.56.510 through 47.56.560, chapter 13, Laws of 1961 and RCW 47.56.510 through 47.56.560 are each repealed.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 210.

[S. B. 475.]

STATE MILITIA—ADJUTANT GENERAL.

AN ACT relating to the militia; and amending section 3, chapter 130, Laws of 1943 and RCW 38.08.020; adding a new section to chapter 130, Laws of 1943 and to chapter 38.12 RCW; and amending section 21, chapter 130, Laws of 1943 and RCW 38.12.030.

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

SECTION 1. Section 3, chapter 130, Laws of 1943 and RCW 38.08.020 are each amended to read as follows:

RCW 38.08.020 amended.

The militia of the state not in the service of the United States shall be governed and its affairs administered pursuant to law, by the governor, as commander-in-chief, through the adjutant general's department, of which the adjutant general shall be the executive head.

Militia.
Governor as
commander-
in-chief.

SEC. 2. There is added to chapter 130, Laws of 1943 and to chapter 38.12 RCW a new section to read as follows:

New section.

The adjutant general's department shall be organized into separate divisions for the Washington Army National Guard and the Washington Air National Guard. Each division may have a general officer at its head who will be referred to as the assistant adjutant general for the Washington Army National Guard and the assistant adjutant general for the Washington Air National Guard.

Departmental
divisions—
Head officers.

SEC. 3. Section 21, chapter 130, Laws of 1943 and RCW 38.12.030 are each amended to read as follows:

RCW 38.12.030 amended.

Whenever a vacancy has occurred, or is about to occur in the office of the adjutant general, the governor shall order to active service for that position from the active list of the Washington Army National Guard or the Washington Air National Guard an officer not below the rank of a field officer

Adjutant gen-
eral, assistant
adjutant gen-
erals, how
chosen.

who has had at least ten years service as an officer on the active list of the Washington Army National Guard or the Washington Air National Guard during the fifteen years next prior to such detail. The officer so detailed shall during the continuance of his service as the adjutant general hold the rank of a general officer.

Whenever a vacancy has occurred, or is about to occur, in the offices of assistant adjutants general for the Washington Army National Guard or the Washington Air National Guard, the adjutant general with the concurrence of the governor may appoint an officer of the Army National Guard or the Air National Guard, who has had at least ten years service in the active list of his respective branch during the fifteen years next prior to such detail. The officer so detailed, may during the continuance of his service as assistant adjutant general hold the rank of a general officer.

If, by reason of the call or draft of officers of the Washington Army National Guard and/or Air National Guard into federal service, there shall be no officer of the Washington National Guard available for detail as the adjutant general or as an assistant adjutant general who possesses the requisite qualifications, then the governor may appoint any officer or former officer of the organized militia of Washington as acting adjutant general or as an acting assistant adjutant general: *Provided*, That in the event the officers on detail as the adjutant general or as assistant adjutants general should be appointed, called or drafted into the military service of the United States by order or proclamation of the president, then they shall be granted leaves of absence by the governor, and such officers shall be entitled, upon release from federal service, to return to their former status as adjutant general or as assistant adjutants general, of Washington, and during the period that they are in federal service.

the duties of these offices shall be performed by an acting adjutant general and acting assistant adjutants general, appointed by the governor, as hereinbefore provided, and who shall receive the same pay provided for the adjutant general and/or assistant adjutants general respectively, during the period of such assignments.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 211.

[S. B. 486.]

CRIMES—CONSPIRACY AGAINST GOVERNMENTAL ENTITIES.

AN ACT relating to crimes; defining crime of conspiracy against governmental entities; increasing penalties for certain collusion; amending section 3, chapter 12, Laws of 1921 and RCW 9.18.140; adding a new section to chapter 249, Laws of 1909 and to chapter 9.22 RCW; and providing penalties.

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

SECTION 1. There is added to chapter 249, Laws of 1909 and to chapter 9.22 RCW a new section to read as follows:

If two or more persons conspire either to commit any offense against, or to defraud the state, or any county, city, town, district, or other municipal corporation therein, or a department or agency of any thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor

New section.

Crime of conspiracy against governmental entity defined
—Penalty.

only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

Passed the Senate March 2, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 212.

[S. B. 494.]

CITIES AND TOWNS—INVESTMENT OF PENSION FUNDS.

AN ACT relating to cities and towns and authorizing the investment of certain pension funds in certain securities; and amending section 2, chapter 92, Laws of 1943 as amended by section 1, chapter 275, Laws of 1951, and RCW 35.39.040.

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

RCW 35.39.040 amended.

SECTION 1. Section 2, chapter 92, Laws of 1943 as amended by section 1, chapter 275, Laws of 1951, and RCW 35.39.040 are each amended to read as follows:

City or town fiscal matters. Investment of pension funds.

Any city or town now or hereafter operating an employees' pension system, established and operated pursuant to state statute or charter provision, or any pension system operating now or hereafter under state statute or charter provision exclusively for employees of cities or towns, is hereby authorized to invest pension fund moneys in such securities of the United States, states, Dominion of Canada, public housing authorities, municipal corporations and other public bodies, as are designated by the laws of the state of Washington as lawful investments for the funds of mutual savings banks, and to invest not to exceed twenty-five percent of the system's total investments in the securities of any corporations or public utility bodies as are designated by the laws of this state as lawful investments for the funds of mutual savings banks: *Pro-*

vided, That not more than five percent of the system's total investments may be made in the securities of any one of such corporations or public utility bodies.

Subject to the limitations hereinafter contained, investment of pension funds may also be made in amounts not to exceed ten percent of the system's total investments in the shares of certain open-end investment companies: *Provided*, That not more than two percent of the system's total investments may be made in the shares of any one such open-end investment company. The total amount invested in any one company shall not exceed two percent of the assets of such company, and shall only be made in the shares of such companies as are registered as open-end companies under the federal investment company act of 1940, as from time to time amended. The company must be at least ten years old and have net assets of at least five million dollars. It must have outstanding no bonds, debentures, notes, or other evidences of indebtedness, or any stock having priority over the shares being purchased, either as to distribution of assets or payment of dividends. It must have paid dividends from investment income in each of the ten years next preceding purchase. The maximum selling commission on its shares, furthermore, may not exceed seven and one-half percent of the sum of the asset value plus such commission.

Investment of pension funds may also be made in the bonds of any municipal corporation or other public body of the state of Washington, and in any of the bonds or warrants, including local improvement bonds or warrants within the protection of the local improvement guaranty fund law issued by the city or town operating such pension system, or by any city or town which is a member of the system. Investment of pension funds shall be made

by the pension board, board of trustees or other board charged with administering the affairs of the pension system.

Passed the Senate March 4, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 213.

[S. B. 503.]

MUNICIPAL COURTS—ELECTION OF JUDGES.

AN ACT relating to municipal courts; and amending section 15, chapter 290, Laws of 1955 and RCW 35.20.150.

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

RCW 35.20.150
amended.

SECTION 1. Section 15, chapter 290, Laws of 1955 and RCW 35.20.150 are each amended to read as follows:

Municipal
courts.
Election of
judges—Va-
cancies, how
filled.

The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by 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 receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: *Provided*, That if any candidate in the primary receives a majority of all of the votes cast for the

position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter. Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Passed the Senate March 2, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 214.

[Sub. S. B. 526.]

COMMERCIAL DRIVING SCHOOLS—TEMPORARY INSTRUCTION PERMITS.

AN ACT relating to commercial driving schools and temporary instruction permits; amending section 46.20.110, chapter 12, Laws of 1961 and RCW 46.20.110; amending section 46.82.070, chapter 12, Laws of 1961 and RCW 46.82.070; amending section 46.82.180, chapter 12, Laws of 1961 and RCW 46.82.180; amending section 46.82.060, chapter 12, Laws of 1961 and RCW 46.82.060.

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

SECTION 1. Section 46.20.110, chapter 12, Laws of 1961 and RCW 46.20.110 are each amended to read as follows:

The director of licenses upon receiving from any person over the age of sixteen years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while

RCW 46.20.110 amended.

Motor vehicle operator's licenses. Temporary instruction permits—Fee.

having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed vehicle operator who is actually occupying a seat beside the operator. Temporary instruction permit shall be issued upon payment of a fee of fifty cents in the manner provided for the payment of fees for vehicle operator licenses.

RCW 46.82.070 amended.

SEC. 2. Section 46.82.070, chapter 12, Laws of 1961 and RCW 46.82.070 are each amended to read as follows:

Drivers' training schools.
Suspension, revocation of school license
—Hearing
—Procedure
—Exception.

Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held within ten days of the refusal to issue, revoke or suspend said license and the director must within five days after the hearing issue a decision on said refusal to render, revoke or suspend. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have the power to subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department of licenses, making service of such subpoenas shall be entitled to the same fee and mileage as are allowed in civil actions in courts of law.

SEC. 3. Section 46.82.180, chapter 12, Laws of 1961 and RCW 46.82.180 are each amended to read as follows:

RCW 46.82.180 amended.

Examinations for an instructor's certificate shall be given by the committee once a month, at such place as the director may direct. Applications for instructor's certificates shall be receivable by the director at any time and all persons applying shall be notified of the time and place of the next examining session.

Instructor's certificate, time and place of examination for— Notice.

SEC. 4. Section 46.82.060, chapter 12, Laws of 1961 and RCW 46.82.060 are each amended to read as follows:

RCW 46.82.060 amended.

The director, or any employee of the department of licenses deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

Suspension, revocation of school license — "Fraudulent practices" defined.

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to

believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

Passed the Senate March 7, 1961.

Passed the House March 6, 1961.

Approved by the Governor, March 20, 1961.

CHAPTER 215.

[S. B. 557.]

YOUTH DEVELOPMENT AND CONSERVATION CORPS.

AN ACT relating to state government; establishing a youth development and conservation corps to provide healthful outdoor training and employment for young men of Washington state; and to provide for the care and improvement of our public properties through conservation and development of our natural resources of timber, soil, wildlife and recreation areas.

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

SECTION 1. The purpose of this act is to provide:

- (1) the opportunity for healthful employment of young men in programs of conservation, developing, improving, and maintaining natural and artificial recreational areas for the welfare of the general public; (2) the opportunity for our young men to learn vocational and work skills, develop good work habits and a sense of responsibility and contribution to society, improvement in personal physical and

Youth development and conservation corps. Purpose of act.

moral well being, and an understanding and appreciation of nature.

SEC. 2. There is hereby created and established a youth development and conservation division within the state parks and recreation commission (hereafter referred to as the "commission"). The commission shall appoint such supervisory personnel as necessary to carry out the purposes of this act.

Division
created—Su-
pervisory
personnel.

SEC. 3. There is established a committee of advisors to be known as the youth development and conservation committee (hereinafter referred to as the "committee"). The committee shall be composed of nine members as follows: A member of the state parks and recreation commission, representatives of the: department of commerce and economic development, state board of education, department of fisheries, department of game, employment security department, commissioner of public lands, department of conservation, and one member to be appointed by the governor. The members of the committee shall serve without compensation for their time and expenses in fulfilling their duties, except that public employees shall be eligible for their normal compensation as in the performance of regular duties. The committee shall name one of its members as chairman. The committee shall meet on call by the chairman, or as needed to review the operations of the program and recommend in general: the kind of work performed, the training and development provided the enrollers, the public lands designated as project areas, and improvements in the general program.

Committee
established
—Members
—Duties.

SEC. 4. Composition of the corps shall consist of male individuals who are citizens of the United States and residents of the state of Washington of good character and health, and who are not less than sixteen nor more than twenty-one years of age. In order to enroll, an individual must agree to comply

Composition
of corps—En-
rollment
period—En-
rollment
allocation.

with rules and regulations promulgated by the commission. The period of enrollment shall be for thirty, sixty or ninety days or for such shorter period as determined by the commission. If permitted by the commission an individual may reenroll, but his total enrollment shall not exceed forty weeks. Enrollment shall basically be allocated on a percentage basis to each of the forty-nine legislative districts on the basis of the ratio that the population of each district bears to the total population of the state of Washington, but the commission may also take into account problems of substantial unemployment in certain areas.

Corps compensation,
quarters,
subsistence.

SEC. 5. Compensation, quarters, subsistence.

(1) The base compensation shall be at the rate of twenty-five dollars per week, except that an additional five dollars per week may be paid on the basis of assigned leadership responsibilities or special skills.

(2) Enrollees shall be furnished quarters, subsistence, medical and hospital services, transportation, equipment, as the commission may deem necessary and appropriate for their needs. Such quarters, subsistence, and equipment may be furnished by any governmental or public agency.

Labor laws not
applicable.

SEC. 6. Existing provisions of law with respect to hours of work, rate of compensation, sick leave, vacation, civil service and unemployment compensation shall not be applicable to enrollees or temporary employees working under the provisions of this act.

Commission
powers.

SEC. 7. The commission may expend such amounts as necessary for supplies, material and equipment to be used by enrollees in connection with their work, recreation, health, or welfare; the commission shall purchase government surplus materials, supplies and equipment when available and as needed.

The commission may accept any gifts, grants or

contributions of money, material, lands, or personnel property as it deems appropriate and may administer and dispose of them as it determines to be in the interests of the general public.

SEC. 8. The commission may, by agreement with an individual or company enroll and supervise additional young men, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

Commission agreements with private agency for use of corps members.

SEC. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 216.

[S. B. 55.]

CONSUMER PROTECTION—UNFAIR COMPETITION AND ACTS.

AN ACT relating to consumer protection; defining terms used herein; prohibiting restraints of trade, unfair competition, and unfair or deceptive acts or practices in trade or commerce; and providing for enforcement.

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

SECTION 1. As used in this act:

Consumer protection act. Definitions.

(1) "Person" shall include, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

(2) "Trade" and "Commerce" shall include the sale of assets or services, and any commerce directly or indirectly affecting the people of the state of Washington.

(3) "Assets" shall include any property, tangible or intangible, real, personal, or mixed, and wherever situate, and any other thing of value.

Unfair competition, acts, unlawful.

SEC. 2. Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.

Contracts, combinations, unlawful.

SEC. 3. Every contract, combination, in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is hereby declared unlawful.

Monopoly as unlawful.

SEC. 4. It shall be unlawful for any person to monopolize, or attempt to monopolize or combine or conspire with any other person or persons to monopolize any part of trade or commerce.

Unlawful to contract where effect tends to create monopoly.

SEC. 5. It shall be unlawful for any person to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, or services, whether patented or unpatented, for use, consumption, enjoyment, or resale, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agree-

ment, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodity or services of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for such sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

SEC. 6. It shall be unlawful for any corporation to acquire, directly or indirectly, the whole or any part of the stock or assets of another corporation where the effect of such acquisition may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

Stock acquisition unlawful where effect tends to create monopoly—Exceptions.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to substantially lessen competition.

In addition to any other remedy provided by this act, the superior court may order any corporation to divest itself of the stock or assets held contrary to this section, in the manner and within the time fixed by said order.

Divestment of stock as penalty.

SEC. 7. The labor of a human being is not a commodity or article of commerce. Nothing contained in this act shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual

Specific organizations excepted under act.

help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

Attorney general may use injunctive process.

SEC. 8. The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful.

Civil actions available—Punitive damages allowable.

SEC. 9. Any person who is injured in his business or property by a violation of sections 3, 4, 5, or 6 of this act, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of sections 3, 4, 5, or 6 of this act, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained. For the purpose of this section "person" shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured by reason of a violation of sections 3, 4, 5, or 6 of this act, it may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

Assurance of discontinuance—Use—Effect.

SEC. 10. In the enforcement of this act, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this act, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston County.

Such assurance of discontinuance shall not be considered an admission of a violation for any purpose.

SEC. 11. (1) Whenever the attorney general believes that any person may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate, which he believes to be relevant to the subject matter of an investigation of a possible violation of sections 3, 4, 5, or 6 of this act, he may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying: *Provided*, That this section shall not be applicable to criminal prosecutions.

Civil
investigative
demand. Use.

(2) Each such demand shall:

Contents of
demand.

(a) State the statute and section or sections thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(b) Describe the class or classes of documentary material to be produced thereunder with reasonable specificity so as fairly to indicate the material demand;

(c) Prescribe a return date within which the documentary material is to be produced; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(3) No such demand shall:

(a) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for

any other reason would not be required by a subpoena duces tecum issued by a court of this state.

Service of
demand.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if such person is not a natural person, to any officer of the person to be served; or

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if said person has no place of business in this state, to his principal office or place of business.

(5) Documentary material demanded pursuant to the provisions of this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general.

(6) No documentary material produced pursuant to a demand, or copies thereof, shall, unless otherwise ordered by a superior court for good cause shown, be produced for inspection or copying by, nor shall the contents thereof be disclosed to, other than an authorized employee of the attorney general, without the consent of the person who produced such material: *Provided*, That, under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material shall be available for inspection and copying by the person who produced such material or any duly authorized representative of such person. The attorney general or any assistant attorney general may use such copies of documentary material as he de-

terminated necessary in the enforcement of this act, including presentation before any court: *Provided*, That any such material which contains trade secrets shall not be presented except with the approval of the court in which action is pending after adequate notice to the person furnishing such material.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1), stating good cause, may be filed in the superior court for Thurston County, or in such other county where the parties reside. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by the provisions of this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston County, or in the county where the parties reside.

(8) A person upon whom a demand is served pursuant to the provisions of this section shall comply with the terms thereof unless otherwise provided by order of court issued under subsection (7) hereof. Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigative demand under this section, removes from any place, conceals, withholds, or destroys, mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person which is the subject of any demand duly served upon any person shall be guilty of an offense against the state, and shall be subject, upon conviction, to a fine not to exceed five thousand dollars or to imprisonment for a term of not more than one year, or both.

Unlawful acts
relating to
demand—
Penalty.

SEC. 12. Any action to enforce a claim for damages under section 9 shall be forever barred unless

Statute of
limitations
applicable.

commenced within four years after the cause of action accrues: *Provided*, That whenever any action is brought by the attorney general for a violation of sections 3, 4, 5, or 6, except actions for the recovery of a civil penalty for violation of an injunction or actions under section 9, the running of the foregoing statute of limitations, with respect to every private right of action for damages under section 9 which is based in whole or part on any matter complained of in said action by the attorney general, shall be suspended during the pendency thereof.

Final decree as evidence in other action.

SEC. 13. A final judgment or decree rendered in any action brought under section 8 by the state of Washington to the effect that a defendant has violated sections 3, 4, 5, or 6 shall be prima facie evidence against such defendant in any action brought by any party against such defendant under section 9 of this act as to all matters which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, That this section shall not apply to consent judgments or decrees where the court makes no finding of illegality.

Violation of sections 3 or 4 or injunctions issued thereunder, civil penalty—Enforcement.

SEC. 14. Every person who shall violate sections 3 or 4 of this act or the terms of any injunction issued as in this act provided, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

With respect to violations of sections 3 and 4, the attorney general, acting in the name of the state, may seek recovery of such penalties in a civil action.

SEC. 15. Upon petition by the attorney general, the court may, in its discretion, order the dissolution,

or suspension or forfeiture of franchise, of any corporation which shall violate sections 3 or 4 of this act or the terms of any injunction issued as in this act provided.

Corporation franchise action as penalty.

SEC. 16. Personal service of any process in an action under this act may be made upon any person outside the state if such person has engaged in conduct in violation of this act which has had the impact in this state which this act reprehends. Such persons shall be deemed to have thereby submitted themselves to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185.

Service of process on out-of-state violator.

SEC. 17. Nothing in this act shall apply to actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state, the Washington public service commission, the federal power commission or any other regulatory body or officer acting under statutory authority of this state or the United States.

Act inapplicable, when—RCW 9.01.090 not applicable to act.

RCW 9.01.090 shall not be applicable to the terms of this act and no penalty or remedy shall result from a violation of this act except as expressly provided herein.

SEC. 18. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Severability.

SEC. 19. This act shall be known and designated as the "Consumer Protection Act."

Short title.

SEC. 20. The legislature hereby declares that the purpose of this act is to complement the body of federal law governing restraints of trade, unfair competition and unfair, deceptive, and fraudulent acts

Purpose.

or practices in order to protect the public and foster fair and honest competition. It is the intent of the legislature that, in construing this act, the courts be guided by the interpretation given by the federal courts to the various federal statutes dealing with the same or similar matters and that in deciding whether conduct restrains or monopolizes trade or commerce or may substantially lessen competition, determination of the relevant market or effective area of competition shall not be limited by the boundaries of the state of Washington. To this end this act shall be liberally construed that its beneficial purposes may be served.

It is, however, the intent of the legislature that this act shall not be construed to prohibit acts or practices which are reasonable in relation to the development and preservation of business or which are not injurious to the public interest, nor shall this act be construed to repeal by implication the Fair Trade Act contained in chapter 19.89 RCW.

Passed the Senate March 9, 1961.

Passed the House, March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 217.

[S. B. 58.]

AID FOR PAROLED OR DISCHARGED PRISONERS.

AN ACT relating to the board of prison terms and paroles; providing a program of aid and assistance for paroled or discharged prisoners; adding seven new sections to chapter 133, Laws of 1955 and to chapter 9.95 RCW; and making an appropriation.

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

New sections.

SECTION 1. Seven new sections are added to chapter 133, Laws of 1955 and to chapter 9.95 RCW to read as set forth in sections 2 through 8 of this act.

SEC. 2. The purpose of this amendatory act is to provide necessary assistance, other than assistance which is authorized to be provided by the state division of vocational rehabilitation, the state department of public assistance, the employment security department or other state agency, for parolees and discharged prisoners in need and whose capacity to earn a living under these circumstances is impaired; and to help attain self-care and/or self-support for rehabilitation and restoration to independence as useful citizens as rapidly as possible thereby reducing the number of returnees to the institutions of this state to the benefit of such person and society as a whole.

Purpose—Aid to paroled, discharged prisoners.

SEC. 3. The board may provide to any parolee or discharged prisoner in need and without necessary means, from any funds legally available therefor, such reasonable sums as it deems necessary for the subsistence of such person and his family until he has become gainfully employed. Such aid may be made under such terms and conditions, and through local parole or probation officers if necessary, as the board may require and it would supplement any moneys which may be provided under public assistance or from any other source.

Board may provide aid—Terms discretionary.

SEC. 4. The board may accept any devise, bequest, gift, grant, or contribution made for the purposes of this amendatory act and may make expenditures, or approve expenditures by local parole or probation officers, therefrom for the purposes of this amendatory act in accordance with the rules of the board.

Board rules to control accepting contributions, making expenditures.

SEC. 5. Any funds in the hands of the board, or which may come into its hands, which belong to discharged prisoners or parolees who absconded, or whose whereabouts are unknown, shall be deposited in the parolee revolving fund. Said funds shall be used to defray the expenses of clothing and other necessities and for transporting discharged prisoners

Use of parolee revolving fund moneys—Repayment—Claims.

and parolees who are without means to secure the same. All payments disbursed from these funds shall be repaid, whenever possible, by discharged prisoners and parolees for whose benefit they are made. Whenever any money belonging to discharged prisoners and parolees is so paid into the revolving fund, it shall be repaid to them in accordance with law if a claim therefor is filed with the board and upon a clear showing of a legal right of such claimant to such money.

SEC. 6. All money or other property paid or delivered to a probation or parole officer or employee of the board by or for the benefit of any discharged prisoner or parolee shall be immediately transmitted to the board and it shall enter the same upon its books to his credit. Such money or other property shall be used only under the direction of the board.

If such person absconds, the money shall be deposited in the revolving fund created by section 7 of this amendatory act, and any other property, if not called for within one year, shall be sold by the board and the proceeds credited to the revolving fund.

If any person, within five years after the crediting of such funds, satisfies the board that he is entitled thereto, the board shall make a finding to that effect and may make payment to the claimant in the amount to which he is entitled.

SEC. 7. The board shall create, maintain, and administer outside the state treasury a permanent revolving fund to be known as the "parolee revolving fund" into which shall be deposited all moneys received by it under this amendatory act and any appropriation made for the purposes of this amendatory act. All expenditures from this revolving fund shall be made by check or voucher signed by the chairman of the board or its duly designated representative or representatives. The parolee revolving

Revolving
fund
established.

Form for ex-
penditures
from.

fund shall be deposited by the board in such banks or financial institutions as it may select which shall give to the board a surety bond executed by a surety company authorized to do business in this state, or collateral eligible as security for deposit of state funds in at least the full amount of deposit.

Depositories
for.

SEC. 8. The board shall enter into a written agreement with every person receiving funds under this amendatory act that such person will repay such funds under the terms and conditions in said agreement. No person shall receive funds until such an agreement is validly made.

Agreement to
repay.

SEC. 9. To carry out the provisions of this amendatory act there is appropriated to the parolee revolving fund from the state general fund the sum of fifteen thousand dollars, or so much thereof as shall be necessary.

Appropriation.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 218.

[S. B. 175.]

JUSTICE COURTS—GARNISHMENT.

AN ACT relating to justice court civil procedure; and amending section 6, chapter 160, Laws of 1909, as amended by section 1, chapter 70, Laws of 1939 and RCW 12.32.060.

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

SECTION 1. Section 6, chapter 160, Laws of 1909, as amended by section 1, chapter 70, Laws of 1939 and RCW 12.32.060 are each amended to read as follows:

RCW 12.32.060
amended.

The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives, or it may be served by any citizen

Garnishment.
Service of
writ.

of the state of Washington over the age of twenty-one years and not a party to the action in which it is issued, in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a bank or banking association maintaining branch offices, as garnishee, the writ must be directed to and service thereof must be made by leaving a copy of the writ with the manager or any other officer of such bank or banking association at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at the office or branch which has in its possession or under its control credits or other personal property belonging to the defendant. And in case such writ is served by an officer, such officer shall make his return thereon, showing the time, place and manner of service and noting thereon his fees for making such service, and shall sign his name to such return. In case such service is made by any person other than an officer, such person shall attach to the original writ his affidavit showing his qualifications to make such service and the time, place and manner of making service and shall endorse thereon the legal fees therefor.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 219.

[S. B. 238.]

CREDIT LIFE, ACCIDENT AND HEALTH INSURANCE.

- AN ACT relating to the regulation of credit life insurance and credit accident and health insurance.

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

SECTION 1. The purpose of this act is to promote the public welfare by regulating credit life insurance and credit accident and health insurance. Nothing in this act is intended to prohibit or discourage reasonable competition. The provisions of this act shall be liberally construed.

Credit life, accident and health insurance regulated. Purpose—Construction.

SEC. 2. (1) This act is a part of the insurance code.

Act part of code—Coverage.

(2) All life insurance and all accident and health insurance in connection with loans or other credit transactions shall be subject to the provisions of this act, except life insurance under an individual policy in connection with a loan or other credit transaction of more than five years duration. Insurance shall not be subject to the provisions of this act where its issuance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor.

SEC. 3. For the purpose of this act: (1) "Credit life insurance" means insurance on the life of a debtor pursuant to or in connection with a specific loan or other credit transaction;

Definitions. "Credit life insurance".

(2) "Credit accident and health insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is disabled as defined in the policy;

"Credit accident and health insurance".

(3) "Creditor" means the lender of money or vendor or lessor of goods, services, properties, rights, or privileges, for which payment is arranged through a credit transaction, or any successor to the right,

"Creditor".

title, or interest of any such lender, vendor, or lessor, and an affiliate, associate, or subsidiary of any of them or a director, officer, or employee of any of them or any other person in any way associated with any of them;

"Debtor".

(4) "Debtor" means a borrower of money or a purchaser or lessee of goods, services, properties, rights, or privileges for which payment is arranged through a credit transaction;

"Indebtedness".

(5) "Indebtedness" means the total amount payable by a debtor to a creditor in connection with the loan or other credit transaction.

Form of issuance.

SEC. 4. Credit life insurance and credit accident and health insurance shall be issued only in the following forms:

(1) Individual policies of life insurance issued to debtors on the term plan;

(2) Individual policies of accident and health insurance issued to debtors on a term plan, or disability benefit provisions in individual policies of credit life insurance;

(3) Group policies of life insurance issued to creditors providing insurance upon the lives of debtors on the term plan;

(4) Group policies of accident and health insurance issued to creditors on a term plan insuring debtors, or disability benefit provisions in group credit life insurance policies to provide such coverage.

Maximum amount of life insurance, individual policy.

SEC. 5. The initial amount of credit life insurance under an individual policy shall not exceed the total amount repayable under the contract of indebtedness. Where an indebtedness is repayable in substantially equal installments, the amount of insurance shall at no time exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater.

SEC. 6. The initial amount of credit life insurance under a group policy shall at no time exceed the

amount owed by the debtor which is repayable in installments to the creditor, or ten thousand dollars, whichever is less. Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of five years.

Maximum amount of life insurance, group policy.

SEC. 7. The total amount of periodic indemnity payable by credit accident and health insurance in the event of disability, as defined in the policy, shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness; and the amount of such periodic indemnity payment shall not exceed the original indebtedness divided by the number of periodic installments.

Maximum indemnity payable by credit accident and health insurance.

SEC. 8. The term of any credit life insurance or credit accident and health insurance shall, subject to acceptance by the insurer, commence on the date when the debtor becomes obligated to the creditor: *Provided*, That, where a group policy provides coverage with respect to existing obligations, the insurance on a debtor with respect to such indebtedness shall commence on the effective date of the policy. Where evidence of insurability is required and such evidence is furnished more than thirty days after the date when the debtor becomes obligated to the creditor, the term of the insurance may commence on the date on which the insurance company determines the evidence to be satisfactory, and in such event there shall be an appropriate refund or adjustment of any charge to the debtor for insurance. The term of such insurance shall not extend more than fifteen days beyond the scheduled maturity date of indebtedness, except when extended without additional cost to the debtor. If the indebtedness is discharged due to renewal or refinancing prior to the scheduled maturity date, the insurance in force shall be terminated before any new insurance may be issued in connection with renewed or refinanced indebtedness. In all cases of termination

Commencement of insurance term.

Termination of insurance term.

prior to scheduled maturity, a refund shall be paid or credited as provided in section 11.

Evidence of insurance.

SEC. 9. (1) All credit life insurance and credit accident and health insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the debtor.

Contents of policy or group certificate.

(2) Each individual policy or group certificate of credit life insurance, and/or credit accident and health insurance shall, in addition to other requirements of law, set forth the name and home office address of the insurer, the name or names of the debtor or in the case of a certificate under a group policy, the identity by name or otherwise of the debtor, the premium or amount of payment, if any, by the debtor separately for credit life insurance and credit accident and health insurance, a description of the coverage including the amount and term thereof, and any exceptions, limitations and restrictions, and shall state that the benefits shall be paid to the creditor to reduce or extinguish the unpaid indebtedness and, wherever the amount of insurance exceeds the unpaid indebtedness, that any such excess shall be payable to a beneficiary, other than the creditor, named by the debtor or to the debtor's estate.

Delivery of policy, group certificate—Temporary copy in lieu of

(3) The individual policy or group certificate of insurance shall be delivered to the insured debtor at the time the indebtedness is incurred except as provided in subsections (4) and (5).

(4) If such individual policy or group certificate of insurance is not delivered to the debtor at the time the indebtedness is incurred, a copy of the application for such policy or a notice of proposed insurance, signed by the debtor and setting forth the name and home office address of the insurer; the name or names of the debtor; the premium or amount of payment by the debtor, if any, separately

for credit life insurance and credit accident and health insurance; the amount, term and a brief description of the coverage provided, shall be delivered to the debtor at the time such indebtedness is incurred. The copy of the application for, or notice of proposed insurance, shall also refer exclusively to insurance coverage, and shall be separate and apart from the loan, sale or other credit statement of account, instrument, or agreement, or the application for any such loan, sale or credit, unless the information required by this subsection is prominently set forth therein under a descriptive heading which shall be underlined and printed in capital letters. Upon acceptance of the insurance by the insurer and within thirty days of the date upon which the indebtedness is incurred, the insurer shall cause the individual policy or group certificate of insurance to be delivered to the debtor. The application or notice of proposed insurance shall state that upon acceptance by the insurer, the insurance shall become effective as provided in section 8.

(5) If the named insurer does not accept the risk, then the debtor shall receive a policy or certificate of insurance setting forth the name and home office address of the substituted insurer and the amount of the premium to be charged, and if the amount of premium is less than that set forth in the notice of proposed insurance an appropriate refund shall be made.

SEC. 10. (1) All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders delivered or issued for delivery in this state and the schedules of premium rates pertaining thereto shall be filed with the commissioner.

Insurance forms filed with commissioner for approval.

(2) No such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, or riders shall be used in

this state until approved by the commissioner pursuant to RCW 48.18.100 and RCW 48.18.110. In addition to any grounds for disapproval provided therein, the form shall be disapproved both as to credit life and credit accident and health insurance if the benefits provided therein are not reasonable in relation to the premium charged.

Conformance of preexisting contracts.

(3) If a group policy of credit life insurance or credit accident and health insurance has been delivered in this state before the effective date of this act, on the first anniversary date following the effective date of this act the terms of the policy as they apply to persons newly insured thereafter shall be rewritten to conform with the provisions of this act.

Section inapplicable, where.

(4) This section does not apply as to certificates of insurance issued under group policies which policies are not delivered or issued for delivery in this state.

Refunds when termination prior to maturity date of indebtedness.

SEC. 11. (1) Each individual policy, or group certificate shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto. The formula to be used in computing such refund shall be filed with and approved by the commissioner.

(2) If a creditor requires a debtor to make any payment for credit life insurance or credit accident and health insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to such debtor and shall promptly make an appropriate credit to the account.

Maximum charge for insurance.

(3) The amount charged to a debtor for any credit life or credit accident and health insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the debtor is determined.

SEC. 12. When the credit life insurance or credit accident and health insurance is required in connection with any credit transaction, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by him or of procuring and furnishing the required coverage through any insurer authorized to transact an insurance business within this state.

Option of obtaining own insurer.

SEC. 13. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the act and the application of such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.

Severability.

SEC. 14. Nothing in this act shall be construed to permit any practice prohibited by chapter 31.08 RCW, nor is it intended that this act shall amend or repeal any provision of chapter 31.08 RCW, known as the "Small Loan Act".

Construction as to certain other acts.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 220.

[S. B. 274.]

STATE OFFICERS—PER DIEM.

AN ACT relating to state government; providing per diem allowance in lieu of subsistence for state officials and employees; and amending section 1, chapter 86, Laws of 1943, as last amended by section 1, chapter 194, Laws of 1959, and RCW 43.03.050.

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

SECTION 1. Section 1, chapter 86, Laws of 1943, as last amended by section 1, chapter 194, Laws of

RCW 43.03.050 amended.

1959, and RCW 43.03.050 are each amended to read as follows:

Subsistence allowance for state officials and employees.

The heads of all state departments may prescribe per diem rates of allowance, not exceeding twelve dollars in lieu of subsistence and lodging to elective and appointive officials and state employees while engaged on official business away from their designated posts of duty, but within the state of Washington or an adjoining state, and not exceeding twenty dollars per day while engaged on official business elsewhere.

Passed the Senate March 4, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 221.

[S. B. 287.]

HORTICULTURAL PLANTS.

AN ACT relating to horticultural plants; and providing penalties; and repealing sections 15.12.010 through 15.12.110, chapter 11, Laws of 1961 (House Bill No. 1), and RCW 15.12.010 through 15.12.110.

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

Definitions.

SECTION 1. For the purpose of this act:

"Department".

(1) "Department" means the department of agriculture of the state of Washington.

"Director".

(2) "Director" means the director of the department or his duly appointed representative.

"Person".

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association, and every officer, agent or employee thereof.

"Horticultural plant".

(4) "Horticultural plant" includes, but is not limited to, any horticultural, floricultural, viticultural, and olericultural plant, for planting, propagation or ornamentation growing or otherwise, and

any part of such horticultural plant used for reproduction or propagation purposes.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants are grown, stored, handled or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants. "Horticultural facilities".

(6) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants. "Plant pests".

(7) "Inspection and/or certification" means, but is not limited to, the inspection of any horticultural plants at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written certificate stating the grades, classifications, and if such horticultural plants are free of plant pests and in compliance with all the provisions of this act and rules adopted hereunder. "Inspection and/or certification".

(8) "Nurseryman" means any person who sells during any one licensed period more than two hundred fifty dollars worth of horticulture plants which he has grown. "Nurseryman".

(9) "Nurseryman dealer" means any person, who in addition to the horticultural plants which he has grown purchases horticultural plants for the purpose of resale. "Nurseryman dealer".

(10) "Nursery stock dealer" includes any person who does not grow horticultural plants, but who purchases, receives or handles horticultural plants, (1) for the purpose of sale, (2) for planting for "Nursery stock dealer".

another person, or to use as an inducement for the sale of another product.

“Agent”.

(11) “Agent” means a representative of any person licensed under this act who takes orders for horticultural plants, to be delivered at a later date, away from the location where such licensee is licensed to operate.

Horticultural
plant act.
Enforcement—
Rules and
regulations.

SEC. 2. The director shall enforce the provisions of this act and he may adopt any rule necessary to carry out its purpose and provisions.

(1) The director may adopt rules establishing grades and/or classifications for any horticultural plant and standard for such grades and/or classifications.

(2) The director may adopt rules for the inspection and/or certification of any horticultural plant as to variety, quality, size and freedom from plant pests.

Licenses
required—
Fees.

SEC. 3. On or after the effective date of this act no person shall act as a nurseryman, nurseryman dealer, or nursery stock dealer, without a license for each place of business, or as an agent without a license. Any person applying for such a license shall file an application with the director on or before July 1st of each year. Such application shall be accompanied by the following license fee:

- (1) Nurseryman, fifteen dollars,
- (2) Nurseryman dealer, twenty dollars,
- (3) Nursery stock dealer, fifteen dollars,
- (4) Agent, five dollars.

Any license provided for in this section shall expire on June 30th following issuance unless it has been revoked or suspended prior thereto by the director for cause.

License
application—
Contents.

SEC. 4. Application for a license shall be on a form prescribed by the director and shall include, (1) the full name of the person applying for such license and if the applicant is an individual, receiver,

trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or the names of the officers of the association or corporation shall be given in the application, (2) the principal business address of the applicant in the state and elsewhere, (3) the names of the persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant, (4) any other necessary information prescribed by the director.

SEC. 5. Any person applying for an agent's license shall include the name and address of the principal licensee represented or sought to be represented by such agent and the written endorsement or nomination of such principal licensee.

Agent's
license,
requisites.

SEC. 6. Whenever another state allows any person licensed under the provisions of this act, except agents, to sell or deliver horticultural plants in such state, the director may enter into a reciprocal agreement with such state and accord like privileges to licensees licensed to sell horticultural plants in such state: *Provided*, That any person representing such licensee under such reciprocal agreement in this state shall obtain an agent's license from the director.

Reciprocal
agreements
authorized.

SEC. 7. The director may, whenever he determines that an applicant or licensee has violated any provisions of this act, and complying with the notice and a hearing requirement and all other provisions of chapter 34.04 RCW, as enacted or hereafter amended, concerning contested cases, deny, suspend or revoke any license issued or which may be issued under the provisions of this act.

Director may
deny, suspend
or revoke
license.

SEC. 8. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records in any hearing in the county where the person licensed under this

Director may
issue
subpoenas.

act resides affecting the authority or privilege granted by a license issued under the provisions of this act. Witnesses, except complaining witnesses, shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended.

Inspection request.

SEC. 9. Any person licensed under the provisions of this act may request, upon the payment of actual costs to the department as prescribed by the director, the services of a horticultural inspector at such licensee's place of business or point of shipment during the shipping season. Subsequent to inspection such horticultural inspector shall issue to such licensee a certificate of inspection in triplicate signed by him covering any horticultural plants which he finds not to be infected with plant pests and in compliance with the provisions of this act and rules adopted hereunder.

Certificate of inspection.

Shipments, transactions, within state, inspection required.

SEC. 10. In order to detect, control, and prevent the spread of plant pests and diseases no person shall sell, offer for sale or ship or transport any horticultural plant in this state unless it has been inspected and a certificate stating that such horticultural plant is free of plant pests and meets the requirements of this act and rules adopted hereunder has been issued by the director. Such inspection shall be conducted within a reasonable time prior to the time such horticultural plant is sold or shipped or transported: *Provided*, That if such horticultural plant subsequent to such inspection becomes infected with plant pests or does not otherwise meet the requirements of this act it shall not be sold, offered for sale or shipped or transported.

Shipments into state, inspection required.

SEC. 11. It shall be unlawful for any person to ship or deliver any horticultural plants into this state unless they have been inspected by the director at the point of entry into this state or at a point in this state prescribed by the director and he has

issued a certificate of inspection stating that such horticultural plants are free of plant pests and meet the requirements of this act and rules adopted hereunder. Subsequent to such inspection by the director any such shipment of horticultural plants shall be accompanied by such certificate of inspection issued by the director.

SEC. 12. The container in which any horticultural plant is placed or packed for the purpose of sale, or to be held for sale, offered for sale or shipment shall be plainly marked on the outside or the contents of the container shall be tagged with the following information:

Containers to be marked.

- (1) The kind of horticultural plant.
- (2) Where the horticultural plant was grown.
- (3) Any other necessary information prescribed, by rule, by the director.

The director may, whenever he finds that any such container is not properly marked, order it off sale until it is properly marked, or order that it be returned to the consignor for proper marking.

SEC. 13. It shall be unlawful for any person:

Unlawful acts enumerated.

(1) To falsely represent that he is the agent or representative of any nurseryman or dealer in horticultural plants.

(2) To deceive or defraud another in the sale of horticultural plants by substituting inferior or different grades from those ordered.

(3) To bring into this state any horticultural plants infected with plant pests, or to sell, offer for sale, hold for sale, distribute, ship or deliver any horticultural plants infected with plant pests.

(4) To sell, offer for sale, hold for sale, solicit orders for or distribute horticultural plants by any method which has the capacity and tendency or effect of deceiving any purchaser or prospective purchaser as to the quantity, size, grade, kind, specie, age, maturity, condition, vigor, hardiness,

number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

(5) To make the following representations directly or indirectly, without limiting the effects of this section:

(a) That any horticultural plant has been propagated by grafting or bud selections methods, when such is not the fact.

(b) That any horticultural plant is healthy and will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not a fact.

(c) That any horticultural plant blooms the year around, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact.

(d) That any horticultural plant is a new variety, when in fact it is a standard variety to which the person who is selling or holding such horticultural plant for sale has given a new name.

(e) That any horticultural plant cannot be purchased through usual outlets, or that limited stocks are available, when such is not the fact.

(f) That any horticultural plant offered for sale will be delivered in time for the next, or any specified, seasonal planting when the seller is aware of factors which make such delivery improbable.

(g) That the appearance of any horticultural plant is normal or usual when the appearance so represented is in fact abnormal or unusual.

(h) That the root system of any horticultural plant is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling or otherwise.

(i) That bulblets are bulbs.

(j) That any horticultural plant is rare or an unusual item, when such is not the fact.

(6) To sell, offer for sale or hold for sale any horticultural plants, for which the director has established grades and/or classifications and standards for such grades and/or classifications, unless such horticultural plants have been graded and/or classified and meet the standards prescribed by the director for such grades and/or classifications.

(7) To substitute any other horticultural plant for a horticultural plant covered by an inspection certificate.

(8) To sell, offer for sale, or hold for sale any horticultural plant which is dead, in a dying condition, seriously broken, frozen or damaged, or abnormally potbound.

(9) To sell, offer for sale, or hold for sale as other than a native horticultural plant any such native horticultural plant within one year after its collection in its natural habitat unless it is conspicuously marked or labeled as a native horticultural plant.

SEC. 14. The director shall condemn any or all horticultural plants in a shipment or when any such horticultural plants are held for sale, or offered for sale and they are found to be dead, in a dying condition, seriously broken, damaged or frozen or abnormally potbound and shall order such horticultural plants to be destroyed. The director's order shall be final fifteen days after the date of issuance, unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director to show cause why his order should not be stayed.

Condemnation
of plants
authorized,
order.

SEC. 15. The director may bring an action to enjoin the violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs, notwithstanding the existence of other remedies at law.

Injunctive
process
authorized.

Act cumulative and non-exclusive.

SEC. 16. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Savings.

SEC. 17. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Rules saved —Chapter 34.04 RCW applicable.

SEC. 18. The repeal of chapter 15.12 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of chapter 15.12 RCW and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW concerning the adoption of rules, and any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW concerning the adoption of rules as enacted or hereafter amended.

General penalty.

SEC. 19. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Disposition of fees.

SEC. 20. All license fees collected under the provisions of this act and the fees collected under the provisions of section 9 of this act shall be paid to the state treasurer to be deposited in the nursery inspection account in the state general fund as provided in RCW 43.79.330 to be used only for the enforcement of this act. All moneys collected under the provisions of chapter 15.12 RCW and remaining in such nursery inspection account on the effective date of this act shall be used for the enforcement of this act. All the moneys in such nursery inspection account shall be subject to the provisions of RCW 43.79.334.

SEC. 21. The director may cooperate with and enter into agreements with governmental agencies

of this state, other states and agencies of the federal government in order to carry out the purpose and provisions of this act. Cooperation with governmental agencies.

SEC. 22. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 23. This act shall take effect on July 1st, 1961. Effective date.

SEC. 24. Sections 15.20.010 through 15.12.110, chapter 11, Laws of 1961 (House Bill No. 1), and RCW 15.12.010 through 15.12.110 are each hereby repealed. Repeal.

Passed the Senate March 8, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 222.

[S. B. 354.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; amending sections 34, 51, 77 and 83, chapter 235, Laws of 1945 and RCW 33.12.050, 33.12.150, 33.28.020, and 33.32.040; amending section 57, chapter 235, Laws of 1945, as last amended by section 2, chapter 280, Laws of 1959, and RCW 33.12.130; and declaring an effective date.

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

SECTION 1. Section 34, chapter 235, Laws of 1945, and RCW 33.12.050 are each amended to read as follows: RCW 33.12.050 amended.

An association shall not borrow money or pledge, mortgage, or hypothecate any of its securities as collateral or security for the repayment of money borrowed except pursuant to a resolution adopted by Borrowing and pledging securities.

a vote of two-thirds of the members of its board of directors, which resolution and the vote thereon shall be entered upon the minutes.

RCW 33.12.150
amended.

SEC. 2. Section 51, chapter 235, Laws of 1945, and RCW 33.12.150 are each amended to read as follows:

Semiannual
credit to con-
tingent fund.

The contingent fund shall constitute a reserve for the absorption of losses of an association.

Members shall not have, individually or collectively, any right or claim to the contingent fund except upon dissolution of the association.

Every association, as of June 30th and December 31st in each year, shall determine its net semiannual earnings, and shall credit to the contingent fund an amount equal to two percent of the amount by which the aggregate of loans and real estate contracts outstanding at the end of said six months' period exceeds the amount of such loans and real estate contracts outstanding at the beginning of the period or one-twentieth of one percent of the total savings accounts in the association at the end of the period, whichever is the greater, such sum so credited from earnings into the contingent fund to be in no event less than five percent of the net earnings of the association for such period. The amount so credited need not exceed fifteen percent of the net earnings during the first three years after an association opens for business.

RCW 33.12.130
amended.

SEC. 3. Section 57, chapter 235, Laws of 1945, as last amended by section 2, chapter 280, Laws of 1959, and RCW 33.12.130 are each amended to read as follows:

Available fund
requirements.

Every association shall have on hand at all times cash on hand and balances due from solvent banks or checks in transit for collection from solvent banks, or funds deposited on time or demand with the federal home loan bank of which the association is a stockholder, certificates of deposit or time deposits

in a bank, or savings accounts in other insured savings and loan associations or banks, or bonds or obligations authorized by RCW 33.24.020 to 33.24.040 and 33.24.090, which cash, bonds or other obligations shall not be pledged or otherwise held as security for the payment of any obligations of the association, as follows:

Ten percent of the aggregate of the savings accounts of its members, if the principal place of business of the association shall be in a city or town having a population of not more than twenty-five thousand persons;

Twelve percent of such savings accounts, if such principal place of business shall be in a city having a population in excess of twenty-five thousand persons and of not more than two hundred thousand persons; and

Fourteen percent of such savings accounts, if such principal place of business shall be in a city having a population of more than two hundred thousand persons.

Whenever an association shall have on hand less available funds or bonds or obligations than are hereinabove required or when it shall owe borrowed money in an amount equal to one-half of its legal borrowing capacity as fixed by the federal home loan bank of which the association is a stockholder, it shall discontinue the making of any loans or other investments, except those for which its commitments have previously been issued, until a status complying with the provisions of this section shall be re-established.

SEC. 4. Section 77, chapter 235, Laws of 1945, and RCW 33.28.020 are each amended to read as follows:

RCW 33.28.020
amended.

Every savings and loan association organized under the laws of this state shall on or before the 31st day of July in each year, pay to the supervisor

License fees
for domestic
associations.

a license fee, for the ensuing fiscal year commencing July 1st, of fifty dollars. An additional fee of fifty dollars shall also be paid for each branch office operating and open to the public as of June 30th of the year in which the fee is payable.

The supervisor shall also collect from each association the actual cost for each examination of its condition charging a per diem rate not more than the rate charged federal savings and loan associations by the examining division of the federal home loan bank board.

RCW 33.32.040
amended.

SEC. 5. Section 83, chapter 235, Laws of 1945, and RCW 33.32.040 are each amended to read as follows:

Foreign
associations.
Deposit to se-
cure investors
—Exceptions.

Every such foreign association or like corporation shall deposit with the supervisor forthwith cash or bonds of the United States, or bonds of any state, county, or municipality which are a legal investment for a domestic savings and loan association, or acceptable mortgages on improved real estate in the state of Washington, for a total of not less than its liability to investors in the state of Washington and not in excess of one and one-half times such investment. Such deposit shall be held as security until all claims of residents of this state shall have been fully redeemed and paid off, and its contracts and obligations have been fully performed and discharged.

The supervisor, in his discretion, may permit the withdrawal of any such securities upon such terms and conditions as he deems advisable. Such foreign association may collect and use the interest on any securities so deposited, as long as it fulfills its obligations and complies with the provisions of this title.

The foregoing provisions shall not apply to those foreign associations or corporations who have been granted and maintain insurance on their savings accounts from the federal savings and loan insurance corporation.

SEC. 6. The effective date of section 4 of this 1961 amendatory act is July 1, 1961. Effective date.

Passed the Senate February 17, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 223.

[S. B. 359.]

RETIREMENT PLANS FOR UNIFORMED PERSONNEL OF CITIES.

AN ACT relating to public employment; and adding a new section to chapter 41.40 RCW.

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

SECTION 1. There is added to chapter 41.40 RCW a new section to read as follows: New section.

“Uniformed personnel” of cities and towns, as defined in RCW 41.44.030, as amended, shall have the right to withdraw from this system and to join the state-wide city employees’ retirement system established by chapter 41.44 RCW: *Provided*, That such action shall not result in a reduction or impairment of the benefits provided for the employees of such incorporated municipality by this system. The employee members of any incorporated municipality so withdrawing from this system shall retain all retirement credit, rights, privileges, and benefits which may have accrued as of the date of such withdrawal, and no further contributions to this system from such members or such incorporated municipality shall be required subsequent to the effective date of such withdrawal: *Provided further*, That such action shall be taken by the governing authority of the incorporated municipality, and only if it includes all of such uniformed personnel of the incorporated municipality.

State employees’ retirement system.
Right to transfer from by uniformed personnel of city or town.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 224.

[S. B. 444.]

SCHOOL DISTRICTS—BIDS FOR SUPPLIES, WORK, ETC.

AN ACT relating to education; adding a new section to chapter 97, Laws of 1909 and to chapter 28.58 RCW; and repealing section 15, page 293, Laws of 1909, section 1, chapter 82, Laws of 1947, and RCW 28.62.170.

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

New section.

SECTION 1. There is added to chapter 97, Laws of 1909 and to chapter 28.58 RCW a new section to read as follows:

District work or purchases, when bids necessary —Procedure.

When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements or repairs, or other work or purchases will equal or exceed the sum of twenty-five hundred dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board: *Provided*, That the board may without giving such notice make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair do not exceed the sum of two thousand five hundred dollars. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection. The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911. Any or all bids may be rejected for good cause. On any work or purchase of more than five hundred dollars, the board shall provide bidding

information to any qualified bidder or his agent, requesting it in person, and if more than one supplier is available, it shall seek competitive bidding in such manner as it deems in the best interests of the district.

In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: *Provided*, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

Emergency purchases, waiver.

SEC. 2. Section 15, page 293, Laws of 1909, section 1, chapter 82, Laws of 1947, and RCW 28.62.170 are each repealed.

Repeal.

Passed the Senate March 9, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 225.

[S. B. 458.]

ELECTIONS—CHALLENGING RIGHT TO VOTE.

AN ACT relating to elections; amending section 4, chapter 77, Laws of 1947 and RCW 29.59.040; and amending section 9, chapter 181, Laws of 1955 and RCW 29.59.070.

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

SECTION 1. Section 4, chapter 77, Laws of 1947 and RCW 29.59.040 are each amended to read as follows:

RCW 29.59.040 amended.

Whenever the right to vote of any person presenting himself as a voter at any polling place for any election has been challenged and the officers conducting the election at such polling place have

Procedure upon challenge of right to vote—Census of challenged vote.

refused to accept the vote of such person because of such challenge, or otherwise, a ballot shall be voted by such challenged person and placed in a sealed envelope. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular election. The board or such other authority shall upon request of the challenger, at the time the vote is canvassed, consider the case of each challenge and shall decide whether or not the ballot in each case shall be accepted or rejected: *Provided*, That should the challenger fail to make such request, the challenged ballot shall be accepted as valid and counted. The decision of the board or such other authority shall be final.

In precincts where voting machines are used, any person whose right to vote is properly challenged shall be furnished with a paper ballot, and such ballot, after said person has marked it, shall be sealed and disposed of as hereinabove provided.

RCW 29.59.070
amended.

SEC. 2. Section 9, chapter 181, Laws of 1955 and RCW 29.59.070 are each amended to read as follows:

Challenge on
lack of resi-
dence—
Procedure.

Any voter may challenge the registration of any other voter on the grounds that the challenged voter does not physically reside and maintain an abode at the address as given on his permanent registration record. Such challenge shall be made in writing and shall be filed with the appropriate registration officer not later than sixty days prior to any primary or election, general or special. The registration officer shall by certified mail immediately notify the voter concerned that a challenge has been made.

Upon receipt of such notice, the challenged voter, should the allegation be correct, shall either transfer his registration or register anew, as the case may be, within thirty days. Should the challenged voter fail to register anew or transfer his registration or fail

to respond to such notice within the prescribed thirty days, the registration officer shall cancel the registration record and so notify the voter concerned.

Should the challenged voter deny the allegation, he shall so notify in writing the registration officer who shall immediately notify the challenger and the challenged voter to appear at a meeting to be held in the registration office at a day and hour certain to be stated in the notice: *Provided*, That should the challenged voter be unable to appear in person he may file a reply by means of an affidavit stating therein under oath the reasons he believes his registration to be valid and should the challenger be unable to appear in person he may file a statement by means of affidavit stating therein under oath the reasons he believes the registration to be invalid.

The hearing shall take place at the time and place designated by the registration officer. In the event both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of such affidavits by the registration officer shall constitute a hearing for the purposes of the section.

At the meeting to be held by the registration officer, he shall hear both parties according to the facts presented and his ruling shall be final, unless ordered otherwise by a court of competent jurisdiction. If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question shall remain in full effect. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified: *Provided, however*, That only the voter who transfers his registration or registers on or after the fifty-ninth day prior to any primary or election, shall be subject to challenge on the grounds of residence alone at the polling place.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 226.

[S. B. 489.]

IRRIGATION AND REHABILITATION DISTRICTS.

AN ACT relating to irrigation districts; permitting certain districts to become irrigation and rehabilitation districts; and adding a new chapter to Title 87 RCW.

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

New chapter.

SECTION 1. There is added to Title 87 RCW a new chapter to read as set forth in sections 2 through 8 of this act.

Irrigation and rehabilitation districts. Qualification.

SEC. 2. Any irrigation district which is located on or adjacent to an inland body of water and which has filed with the director of conservation and been granted rights as to fifty thousand acre feet of water or more shall be eligible to become an irrigation and rehabilitation district as provided in this chapter.

Initiated by petition—Contents.

SEC. 3. A petition to convert an existing irrigation district to an irrigation and rehabilitation district shall be signed by at least fifty holders of title or evidence of title to land within the district. The petition shall contain the following:

- (1) The legal description of the property to be served.
- (2) The signature and address of each petitioner, together with the legal description of the lands within the district owned by each.
- (3) Any other matter deemed material.

The petition shall be accompanied by a bond, to be approved by the board, in double the amount of the probable cost of organizing the district, and conditioned that the bondsman will pay all the costs if the organization is not effected.

Hearing—notice.

SEC. 4. A notice of hearing and a hearing on the petition shall be held as provided by RCW 87.01.030 and 87.01.040.

SEC. 5. A notice of election and election shall be held to determine whether the electors desire to convert the existing irrigation district to an irrigation and rehabilitation district.

Election—
Notice.

The notice of election and election shall be governed by the applicable provisions of chapter 87.01 RCW relating to the original formation of districts.

SEC. 6. In addition to the purposes for which irrigation districts may be organized under RCW 87.01.010, an irrigation and rehabilitation district may also be organized or maintained to further the rehabilitation or improvement of inland lakes and shore lines and the modification or improvement of existing or planned control structures located in the district in order to further the health, recreation, and welfare of the residents in the area.

Purposes of
district.

SEC. 7. The directors of the irrigation and rehabilitation district shall be the same as of the irrigation district and the directors shall retain all authority granted to them as directors of an irrigation district by RCW 87.01.210 as now or hereafter amended, and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

District
directors—
Authority.

All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the Washington state supervisor of water resources shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial

Transfer and
vesting of dis-
trict water
rights.

uses and purposes for which the irrigation and rehabilitation district is formed.

Assessments—
Election for
special
assessments.

SEC. 8. The directors shall be empowered to specially assess land located in the district for benefits thereto taking as a basis the last equalized assessment for county purposes: *Provided*, That such assessment shall not exceed one mill upon such assessed valuation without securing authorization by vote of the electors of the district at an election called for that purpose.

The board shall give notice of such an election, for the time and in the manner and form provided for irrigation district elections. The manner of conducting and voting at such an election, opening and closing polls, canvassing the votes, certifying the returns, and declaring the result shall be nearly as practicable the same as in irrigation district elections.

The special assessment provided for herein shall be due and payable at such times and in such amounts as designated by the district directors, which designation shall be made to the county auditor in writing, and the amount so designated shall be added to the general taxes, and entered upon the assessment rolls in his office, and collected therewith.

Passed the Senate March 9, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 227.

[H. B. 279.]

CITIES AND TOWNS—PENSION, RELIEF,
DISABILITY PLANS.

AN ACT relating to cities and towns; providing pension, relief, disability and retirement systems and funds; and amending section 3, chapter 71, Laws of 1947 as last amended by section 1, chapter 70, Laws of 1959 and RCW 41.44.030; amending section 8, chapter 71, Laws of 1947 as last amended by section 4, chapter 275, Laws of 1951 and RCW 41.44.080; amending section 11, chapter 71, Laws of 1947 as last amended by section 4, chapter 228, Laws of 1953 and RCW 41.44.110; amending section 13, chapter 71, Laws of 1947 as last amended by section 3, chapter 158, Laws of 1957 and RCW 41.44.130; amending section 14, chapter 71, Laws of 1947 as last amended by section 5, chapter 228, Laws of 1953 and RCW 41.44.140; amending section 15, chapter 71, Laws of 1947 as last amended by section 4, chapter 158, Laws of 1957 and RCW 41.44.150; amending section 17, chapter 71, Laws of 1947, as last amended by section 5, chapter 158, Laws of 1957, and RCW 41.44.170; amending section 18, chapter 71, Laws of 1947 and RCW 41.44.180; amending section 19, chapter 71, Laws of 1947 as amended by section 14, chapter 275, Laws of 1951 and RCW 41.44.190; and amending section 21, chapter 71, Laws of 1947 as amended by section 6, chapter 158, Laws of 1957 and RCW 41.44.210.

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

SECTION 1. Section 3, chapter 71, Laws of 1947 as last amended by section 1, chapter 70, Laws of 1959 and RCW 41.44.030 are each amended to read as follows:

RCW 41.44.030 amended.

As used in this chapter, unless a different meaning is plainly required by the context:

State-wide city employees' retirement. Terms defined.

(1) "Retirement system" means the state-wide city employees retirement system provided for herein.

(2) "City" or "cities" includes town or towns.

(3) "Employee" means any appointive officer or employee and shall include elective officials to the extent specified herein.

(4) "Member" means any person included in the membership of the retirement system as provided herein.

(5) "Board" means the "board of trustees" provided for herein.

(6) "Retirement fund" means "state-wide city employees retirement fund" provided for herein.

(7) "Service" means service rendered to a city for compensation; and for the purpose of this chapter a member shall be considered as being in service only while he is receiving compensation from the city for such service or is on leave granted for service in the armed forces of the United States as contemplated in RCW 41.44.120.

(8) "Prior service" means the service of a member for compensation rendered a city prior to the effective date and shall include service in the armed forces of the United States to the extent specified herein and service specified in RCW 41.44.120(5).

(9) "Current service" means service after the employee has become a member of the system.

(10) "Creditable service" means such service as is evidenced by the record of normal contributions, plus prior service as evidenced by prior service certificate.

(11) "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit herein.

(12) "Compensation" means the compensation payable in cash, plus the monetary value, as determined by the board of trustees, of any allowance in lieu thereof (but for the purposes of this chapter such "compensation" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four

hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel.

(13) "Compensation earnable" means the full rate of compensation that would be payable to an employee if he worked the full normal working time (but for the purposes of this chapter, such "compensation earnable" shall not exceed three hundred dollars per month, except as to those employees of any member city the legislative body of which shall not later than July 1, 1953, have irrevocably elected by resolution or ordinance to increase the limitation herein contained, effective as to all of its employees, from three hundred dollars to four hundred dollars, commencing on said date, or which shall so elect prior to January 1st of any succeeding year, effective as of January 1st of any such succeeding year, and as to such employees shall, commencing on the specified date, not exceed four hundred dollars or an amount equal to such increased limitation established by such ordinance or resolution per month): *Provided however*, That the foregoing limitation shall not apply to uniformed personnel.

(14) "Final compensation" means the highest average annual compensation earnable in any five consecutive years of actual service rendered during the ten years immediately preceding retirement, or where the employee has less than five consecutive years of actual service, the earnable compensation for the last five years preceding his retirement.

(15) "Matching contribution" means the contribution of the city deposited in an amount equal to the normal contributions of the employee.

(16) "Normal contributions" means the contributions at the rate provided for in RCW 41.44.130, excluding those referred to in subsection (6).

(17) "Released matching contributions" means such "matching contributions" as are no longer held for the benefit of the employee.

(18) "Regular interest" means interest compounded annually at such rate as shall have been adopted by the board of trustees in accordance with the provisions of this chapter.

(19) "Accumulated normal contributions" means the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(20) "Pension" means payments derived from contributions made by the city as provided herein.

(21) "Annuity" means payments derived from contributions made by a member as provided herein.

(22) "Retirement allowance" means the pension plus annuity.

(23) "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.

(24) "Miscellaneous personnel" means officers and employees other than those in the uniformed police or fire service: *Provided*, Those members of the fire department who are ineligible to the benefits of a firemen's pension system established by or pursuant to any other state law, are also included in the miscellaneous personnel.

(25) "Uniformed personnel" means any employee who is a policeman in service or who is subject to call to active service or duty as such.

(26) "Effective date" when used with regard to employees means the date on which any individual

or group of employees became members of any retirement system and when used with regard to any city or town shall mean the date on which it became a participant.

(27) "Actuarial equivalent" means a benefit of equal value when computed at regular interest upon the basis of such mortality tables as shall be adopted by the board of trustees.

(28) "Persons having an insurable interest in his life" means and includes only such persons who, because of relationship from ties of blood or marriage, have reason to expect some benefit from the continuation of the life of the member.

(29) "Additional contributions" means contributions made pursuant to subsection (6) of RCW 41.44.130.

(30) "Accumulated additional contributions" means the sum of all "additional contributions" made by a member standing to the credit of the individual account, together with regular interest thereon.

(31) "Part time employees" means those employees who, although regularly and continuously employed, do not regularly perform their duties the full number of hours required of other regular employees, including but not confined to such employees as police judges, city attorneys and other officers and employees who are also engaged in outside employment or occupations.

(32) "Excess interest income" means that interest income earned and received from investments in excess of the interest income on investments required to meet actuarial funding requirements.

SEC. 2. Section 8, chapter 71, Laws of 1947 as last amended by section 4, chapter 275, Laws of 1951, and RCW 41.44.080 are each amended to read as follows:

The administration of the system is hereby vested in the board of trustees created in RCW 41.44.070 of this chapter and the board shall:

RCW 41.44.080
amended.

Powers and
duties of board
—Compensa-
tion—Liability
of members.

(1) Keep in convenient form such data as shall be deemed necessary for actuarial valuation purposes;

(2) From time to time, through its actuary, make an actuarial investigation into the mortality and service experience of the beneficiaries under this chapter and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Certify annually the amount of appropriation which each city shall pay into the retirement fund in the next fiscal year, at such a time that the local authorities shall have ample opportunity for including such expense in the budget;

(5) Keep a record of all its proceedings, which shall be open to inspection by the public;

(6) From time to time adopt such rules and regulations not inconsistent with this chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter and the several accounts thereof, and for the transaction of the business of the board;

(7) Provide for investment, reinvestment, deposit and withdrawal of funds;

(8) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the state-wide city employees retirement system, and furnish a copy thereof to each city which has joined the retirement system, and to such members as may request copies thereof;

(9) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(10) Determine equitable amount of administrative expense and death-in-line-of-duty benefit expense to be borne by each city;

(11) Make available to any city considering participation in the system, the services of the actuary employed by the board for the purpose of ascertaining the probable cost of such participation. The cost of any such calculation or valuation shall be paid by the city requesting same to the retirement system;

(12) Perform such other functions as are required for the execution of the provisions of this chapter;

(13) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence to provide for the safeguarding of the funds and assets of the system;

(14) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate.

(15) Distribute excess interest income to retired members on a cost of living index basis, as published by the United States department of health, education and welfare, applied only to the annuity and current service portion of the retired members' retirement allowance: *Provided*, That such distribution shall not exceed the income earned and received on open end investments.

SEC. 3. Section 11, chapter 71, Laws of 1947 as last amended by section 4, chapter 228, Laws of 1953 and RCW 41.44.110 are each amended to read as follows:

RCW 41.44.110
amended.

Membership.

(1) Subject to subsection (2) of this section, membership of this retirement system shall be composed of the following groups of employees in any participating city or cities:

(a) Miscellaneous personnel as defined in this chapter;

(b) Uniformed personnel as defined in this chapter;

(c) Elective officials, who shall have the right to membership in this retirement system upon filing written notice of such election with the board of trustees;

(d) Employees of the retirement system itself shall be entitled to membership and any costs in connection with such membership shall be a part of the cost of administration.

(2) Any city may, when electing to participate in this retirement system in the manner set forth in RCW 41.44.050, include any one group or combination of the groups mentioned in subsection (1) of this section. For an initial period not to exceed one year from the effective date of any city's entry into this system, if so provided at the time of its election to participate, only a majority of the employees of any group or combination of groups must be members of the system.

At all times subsequent to the effective date of the city's entry into this system, or at all times after expiration of such initial period, if such initial period is established at the time of the city's election to participate, all employees of any group or combination of groups must be included or excluded as members of this system. Groups (c) and (d) shall be considered as being composed of miscellaneous personnel as far as benefits and obligations are concerned except when the contrary is clearly indicated.

(3) Subject to subsection (2) of this section, membership in the retirement system shall be com-

pulsory for all employees in groups (a) and (b), after qualification as provided in subsection (4) of this section.

(4) Subject to subsection (2) of this section, all employees in city service, on the effective date, or on June 9, 1949, or on expiration of the initial period therein provided if they have completed six consecutive months service or six months service in any calendar year prior to the expiration of such initial period, shall be members of the system, provided that such employees who are not regular full time employees and are earning less than fifty dollars per month, or are part time employees serving in an official or special capacity may with the acquiescence of the legislative body of the city or town in which they are employed, elect on or before January 1, 1950, to discontinue membership by giving written notice of such election to the board. All other regular employees earning more than fifty dollars per month shall become members upon the completion of six consecutive months service or six months service in any calendar year. Any employee otherwise eligible, employed in a permanent position, may elect in writing to become a member of the system at any time during the initial period, or at any time prior to completing such six months service. Such individual employees other than regular employees, who are earning less than fifty dollars per month or who are serving in an official or special capacity may elect to become members with the acquiescence of the legislative body of the city or town in which they are employed upon the completion of six months of consecutive service or six months service in any calendar year.

(5) It shall be the duty of the proper persons in each city to immediately report to the board routine changes in the status of personnel and to immediately furnish such other information regarding the

employment of members as the board may from time to time require.

(6) Should any member withdraw more than one-quarter of his accumulated contributions, or should he die or be retired, he shall thereupon cease to be a member.

(7) Transfer of any employee from one city to another shall not cause the employee to lose membership in the system providing the city to which he transfers participates in the retirement system created herein.

RCW 41.44.130
amended.

SEC. 4. Section 13, chapter 71, Laws of 1947 as last amended by section 3, chapter 158, Laws of 1957 and RCW 41.44.130 are each amended to read as follows:

Contributions
by employees.

(1) The normal rates of contribution of members shall be based on sex and age at time of entry into the system, which age shall be the age at the birthday nearest the date of such entry.

(2) The normal rates of contribution for miscellaneous personnel shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall produce as nearly as may be, a retirement allowance at the age of sixty-two years, of one and one-third percent of the final compensation multiplied by the number of years of service of the retiring employee. The normal rate established for age sixty shall be the rate for any member who has attained a greater age before entrance into the retirement system and the normal contribution established for age twenty-four shall be the rate for any member who enters the system at an earlier age.

(3) The normal rates of contribution for uniformed personnel shall be so fixed as to provide an annuity which, together with the pension provided by the city, shall produce as nearly as may be for members who enter service at age forty or below, a retirement allowance, at age fifty-five or after

twenty-five years of service at ages over fifty-five, of fifty percent of final compensation; and for members entering service at ages over forty, a retirement allowance at age sixty-five which shall be the same proportion of fifty percent of final compensation as the member's actual years of service bears to twenty-five years. The normal rate established for age fifty shall be the rate for any member who has attained a greater age before entrance into the retirement system.

(4) Subject to the provisions of this chapter, the board shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the proper officials in each city the normal rate of contribution for each member provided for in subsections (2) and (3) of this section. The proper officials in each city shall apply such rate of contribution to the full compensation of uniformed personnel and to so much of the compensation of miscellaneous personnel as does not exceed three hundred dollars per month, or four hundred dollars per month, or to any increased amount of such compensation as to members whose member cities have duly elected to increase the limitation provided for in subsection (12) of RCW 41.44.030 and shall certify to the board on each and every payroll the total amount to be contributed and shall furnish immediately to the board a copy of each and every payroll; and each of said amounts shall be forwarded immediately to the board and the board shall credit the deduction shown on such payroll to individual accounts of the members represented on such payrolls.

(5) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by

such person during the period covered by such payment, except his claim to the benefits to which he may be entitled under the provisions of this chapter.

(6) Any member may elect to contribute in excess of the contributions provided for in this section in accordance with rules to be established by the board for the purpose of providing additional benefits, but the exercise of this privilege shall not place on the member city or cities any additional financial obligation. The board shall have authority to fix the rate of interest to be paid or allowed upon the additional contributions and from time to time make any necessary changes in said rate. Refunds of additional contributions shall be governed by the same rules as those covering normal contributions unless the board shall establish separate rules therefor.

RCW 41.44.140
amended.

SEC. 5. Section 14, chapter 71, Laws of 1947 as last amended by section 5, chapter 228, Laws of 1953 and RCW 41.44.140 are each amended to read as follows:

Retirement
for service.

Retirement of a member for service shall be made by the board as follows:

(1) Each member included in the miscellaneous personnel in service on the effective date, who, on or before such effective date, has attained the age of sixty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory retirements for a period of two years immediately following the effective date, but any member having attained the age of sixty-five may voluntarily retire at any time after attaining such age. Members included in the miscellaneous personnel attaining age sixty-five after effective date shall be retired on the first day of the calendar month next succeeding the month in which the member shall have attained sixty-five, but none of such members shall be subject to compulsory retirement until two

years after the effective date. The legislative authority of the city shall have the privilege at all times of extending time for retirement of any such member to his attainment of any age not exceeding age seventy: *Provided*, That any such extension shall not increase the retirement age of such member in excess of one year at a time.

(2) Any member included in the miscellaneous personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said member, at the time specified for his retirement, shall have attained the age of sixty years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under sixty-two years of age shall not be granted.

(3) Each member included in the uniformed personnel in service on the effective date who on or before such effective date has attained the age of fifty-five years or over shall be compulsorily retired forthwith: *Provided*, That there shall be no compulsory service retirements for a period of two years immediately following the effective date, but any such member having attained the age of fifty-five years may voluntarily retire at any time after attaining such age. Members included in the uniformed personnel attaining age fifty-five after the effective date shall be retired on the first day of the calendar month next succeeding the month in which the members shall have attained the age of fifty-five, but none of such members shall be subject to compulsory retirement until two years after the effective date. The legislative authority shall have the privilege at all times of extending time for retirement of any such member: *Provided*, That any such exten-

sion shall not increase the retirement age of such member in excess of one year at a time.

(4) Any member included in the uniformed personnel may retire by filing with the board a written application duly attested, setting forth on what date he desires to be retired, such application to be made at least thirty days prior to date of retirement: *Provided*, That said members, at the time specified for retirement, shall have twenty-five years of creditable service and shall have attained the age of fifty-five years, or shall have thirty years of creditable service regardless of attained age: *Provided further*, That during the two years immediately following the effective date voluntary service retirement of such members under age fifty-five shall not be granted.

(5) After the retirement of any employee, any member city, by unanimous vote of its legislative body and with the consent of the board, may re-employ or retain such employee in its service to fill a supervisory or key position.

RCW 41.44.150
amended.

SEC. 6. Section 15, chapter 71, Laws of 1947 as last amended by section 4, chapter 158, Laws of 1957 and RCW 41.44.150 are each amended to read as follows:

Allowance on
retirement for
service.

(1) A member upon retirement for service, shall receive a retirement allowance subject to the provisions of subsection (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated normal contributions at the time of his retirement; and

(b) A pension provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) For any member having credit for prior service an additional pension, provided by the contributions of the city, as set forth in RCW 41.44.120

at the rate selected by the city employing the member;

(d) Any member, excepting a part time employee, who has ten or more years of creditable service and who is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allowance equal to sixty dollars per month. An annuity purchased by accumulated additional contributions in such case shall be paid in addition to the minimum guaranteed as herein provided. A part time employee having ten or more years of creditable service, retired by reason of attaining the ages in this subdivision specified and whose retirement allowance is calculated to be less than forty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make the total retirement allowance equal to forty dollars per month, together with an annuity purchased by his accumulated additional contributions, if any, in addition to the minimum guaranteed.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(e) Any member, excepting a part time employee, who has been or is retired by reason of attaining the age of sixty-five or over if included in the miscellaneous personnel or the age of fifty-five or over if included in the uniformed personnel, and whose retirement allowance is calculated to be less than sixty dollars per month, shall receive such additional pension, provided by the contributions of the city, as will make his total retirement allow-

ance equal to six dollars per month for each year of his creditable service; provided that the total additional retirement allowance shall be limited to an amount equal to such amount as will make his total retirement allowance not more than sixty dollars per month. An annuity purchased by accumulated additional contributions, if any, in such case shall be paid in addition to the minimum guaranteed, as herein provided.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1953.

(2) If the retirement allowance of the member as provided in this section, is in excess of three-fourths of his final compensation, the pension of the member, purchased by the contributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance equal to three-fourths of his final compensation, except as provided in subdivision (3) of this section.

(3) A member, upon retirement from service, shall receive in addition to the retirement allowance provided in this section, an additional annuity which shall be the actuarial equivalent of any accumulated additional contributions which he has to his credit at the time of his retirement.

RCW 41.44.170
amended.

SEC. 7. Section 17, chapter 71, Laws of 1947 as last amended by section 5, chapter 158, Laws of 1957 and RCW 41.44.170 are each amended to read as follows:

Allowance on
retirement for
disability.

On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of

the city which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance equal to one and one-fourth percent of his final compensation multiplied by the number of years of service credited to him, if such retirement allowance exceeds sixty dollars per month; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is the greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to June 11, 1961.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated

contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving widow, or if no surviving widow, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such widow, or if there be no such widow, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such widow during her lifetime, or, if there be no such widow, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such widow, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions.

RCW 41.44.180
amended.

Examination
of disability
beneficiary
—Reentry.

SEC. 8. Section 18, chapter 71, Laws of 1947 and RCW 41.44.180 are each amended to read as follows:

(1) The board may, at its pleasure, require any disability beneficiary under age sixty-two in the miscellaneous personnel and under age fifty-five in

the uniformed personnel to undergo medical examination by medical authority designated by the board. Upon the basis of such examination the board shall determine whether such disability beneficiary is still totally and permanently incapacitated, either physically or mentally, for service in the office or department of the city where he was employed or in any other position in that city, the duties of which he might reasonably be expected to carry out.

(2) If the board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be reinstated forthwith in city service. If the city is unable to find employment for a disability beneficiary found to be no longer totally and permanently disabled, the board shall continue the disability retirement allowance of the beneficiary until such time as employment is available, except as provided in paragraph (4) of this section.

(3) Should a disability beneficiary reenter city service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system, his rate of contribution for future years being that established for his age at the time of such reentry. His individual account shall be credited with his accumulated contributions less the annuity payments made to him. An amount equal to the accumulated normal contributions so credited to him shall again be held for the benefit of said member and shall no longer be included in the amounts available to meet the obligations of the city on account of benefits that have been granted. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(4) Should any disability beneficiary under age sixty-two in the miscellaneous personnel or under age fifty-five in the uniformed personnel, refuse to

submit to medical examination, his retirement allowance may be discontinued until his withdrawal of such refusal, and should refusal continue for one year, his retirement allowance may be canceled. Should said disability beneficiary, prior to attaining age sixty-two or age fifty-five, as the case may be, engage in a gainful occupation the board shall reduce the amount of his retirement allowance to an amount, which when added to the compensation earned by him in such occupation, shall not exceed the amount of the final compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the board may further alter his retirement allowance as indicated above. When said disability beneficiary reaches age sixty-two, if included in the miscellaneous personnel, or age fifty-five, in the uniformed personnel, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause except as provided in RCW 41.44.250.

(5) Should the retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into city service, he shall be paid his accumulated contributions, less annuity payments made to him.

RCW 41.44.190
amended.

SEC. 9. Section 19, chapter 71, Laws of 1947 as amended by section 14, chapter 275, Laws of 1951 and RCW 41.44.190 are each amended to read as follows:

Withdrawal
from system
—Reentry
—Payment on
death of
member.

(1) Should service of a member of the miscellaneous personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of his accumulated contributions as he shall demand. Six months after the date of such discontinuance, unless on leave of absence regularly granted, or unless he has exercised the option hereinafter provided, his rights to all

benefits as a member shall cease, without notice, and his accumulated contributions shall be returned to him in any event or held for his account if for any reason the return of the same is prevented. Should service of a member of the uniformed personnel be discontinued except by death or retirement, he shall be paid six months after the day of discontinuance such part of seventy-five percent of his accumulated contributions as he shall demand, and six months after the date of such discontinuance, unless on leave of absence regularly granted, his rights to all benefits as a member shall cease, without notice, and seventy-five percent of his accumulated contributions shall be returned to him in any event, or held for his account if for any reason the same is prevented, and the remaining twenty-five percent of such contributions shall be retained by the board for the benefit of the system: *Provided*, That the board may in its discretion, grant the privilege of withdrawal in the amounts above specified at any time following such discontinuance. Any member whose service is discontinued except by death or retirement, and who has ten or more years of creditable service when such discontinuance occurs, may, at his option, leave his accumulated contributions in the fund and thereby be entitled to receive a deferred retirement allowance commencing at retirement age sixty for miscellaneous personnel and at age fifty-five for uniformed personnel, such retirement allowance to be computed in the same manner provided in subsection (1) of RCW 41.44.150: *Provided*, That this option may be revoked at any time prior to commencement of annuity payments by filing a written notice of such intention with the board together with a written application for a refund of such accumulated contributions. The board may establish rules and regulations to govern withdrawal and redeposit of contributions.

(2) Should a former member, within five years

after discontinuance of service, return to service in the same city in which he was employed he may restore to the fund in such manner as may be agreed upon by such person and the board, his withdrawn normal accumulated contributions as they were at the time of his separation from service and upon completion of such redeposit all his rights and privileges existing at the time of discontinuance of service shall be restored and his obligations as a member shall begin again. The rate of contribution of such returning member shall be the same as it was at the time he separated from service.

(3) Upon the death of any person who has not been retired, pursuant to the provisions hereof, there shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board, his accumulated contributions less any payments therefrom already made to him. Such payment may be made in one lump sum or may be paid in installments over a period of not to exceed five years, as may be designated by the member or his beneficiary, with such rate of interest as may be determined by the board.

(4) In lieu of the death benefit otherwise payable under subsection (3) of this section, there shall be paid a total allowance equal to one-fourth average final compensation per month to the surviving spouse of a member with at least twenty years service as such, at the time of death and who has not been retired and who, by reason of membership in the system, is covered by the Old Age and Survivors Insurance provisions of the Federal Social Security Act, but not at the time of death qualified to receive the benefits thereof. Said allowance shall become payable upon the death of said member or upon the date the surviving spouse becomes ineligible for any benefit payment from the Federal OASI, if later, and shall cease upon death or remarriage, or upon

the date the surviving spouse would become entitled, upon application therefor; to any insurance benefit from the Federal OASI system, whichever event shall first occur: *Provided*, That said benefit shall cease upon the beneficiary becoming employed by any member city of said system: *Provided further*, That this allowance shall consist of:

(a) An amount which shall be the actuarial equivalent of the normal contributions at the time specified for retirement;

(b) An amount provided by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member;

(c) Such additional amount, provided by the contributions of the city, as will make the total allowance equal to one-fourth average final compensation per month.

(d) An annuity purchased by the accumulated additional contributions, if any, in addition to the minimum guaranteed.

(5) If a former member shall, within one year from date of discontinuance of service, be employed by another city participating in this retirement system he shall have the privilege of redepositing and the matching contributions deposited by the city or cities in which he was formerly employed shall again be held for the benefit of such member. If such redepositing member possessed a prior service certificate the city employing him at time of retirement shall accept the liability evidenced by such certificate. Reinstatement of a prior service certificate shall be effective only upon a showing that normal contributions are on deposit in the retirement fund, to the credit of the member, covering all current service.

SEC. 10. Section 21, chapter 71, Laws of 1947, as amended by section 6, chapter 158, Laws of 1957 and RCW 41.44.210 are each amended to read as follows:

RCW 41.44.210
amended.

Benefit on
death in line
of duty.

Upon the death of any member who dies from injuries or disease arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to his widow during her lifetime, or if there be no widow, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such widow, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter.

Passed the House February 11, 1961.

Passed the Senate March 2, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 228.

[H. B. 195.]

FIREWORKS.

AN ACT relating to fireworks; providing penalties; repealing sections 1 through 11, chapter 174, Laws of 1951 as amended by sections 1 through 4, chapter 34, Laws of 1953 and RCW 70.77.010 through 70.77.110; and declaring an emergency.

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

SECTION 1. The definitions set forth in this chapter shall govern the construction of this chapter, unless the context otherwise requires. Definitions govern construction.

SEC. 2. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, roman candles, daygo bombs, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths grain of explosive compound per cap are used. Nothing herein shall be deemed to prohibit the use of any explosive or flammable compound, blasting caps and similar items used for industrial purposes. "Fireworks" defined.

SEC. 3. "Dangerous fireworks" includes any of the following: "Dangerous fireworks" enumerated.

(1) Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

(2) Firecrackers, salutes, and other explosive articles of similar nature;

- (3) Blank cartridges;
- (4) Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
- (5) Roman candles, including all devices which discharge balls of fire into the air;
- (6) Chasers, including all devices which dart or travel about the surface of the ground during discharge;
- (7) Snakes, boa constrictors and snake nests, containing bichloride of mercury;
- (8) All articles for pyrotechnic display, which contain gunpowder;
- (9) Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;
- (10) Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;
- (11) Toy torpedoes of all kinds;
- (12) All pyrotechnic devices having a side fuse;
- (13) Fire balloons or balloons of any type which have burning material of any kind attached thereto; and
- (14) Such other fireworks as may be designated as dangerous by the state fire marshal.

"Safe and sane fireworks" enumerated.

SEC. 4. "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks" except that in all cases only end fuses may be used and the total pyrotechnic content of any one piece shall not exceed one hundred grams.

"Agricultural and wild life fireworks" enumerated.

SEC. 5. "Agricultural and wild life fireworks" includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both, whenever such fireworks are so classified by the state fire marshal.

SEC. 6. "Class 1 flammable liquid" includes any liquid whose flash point is one hundred degrees Fahrenheit, or less. "Class 1 flammable liquid" includes.

SEC. 7. "Side fuse" means a fuse inserted into a pyrotechnic article or device at a point along its length. "Side fuse" defined.

SEC. 8. "End fuse" means a fuse inserted into any pyrotechnic article or device at the end as distinguished from the side of such device. "End fuse" defined.

SEC. 9. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks. "Public display of fireworks" defined.

SEC. 10. "Fire nuisance" means anything or any act which increases, or any cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, or a hindrance to the prevention or extinguishment of fire. "Fire nuisance" defined.

SEC. 11. "License" means a nontransferable formal authorization which the state fire marshal is permitted to issue under this chapter to engage in the branch of pyrotechnics specifically designated therein, whether as an importer, exporter or wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise. "License" defined.

SEC. 12. "Licensee" means any person holding a firework license in conformance with this chapter. "Licensee" defined.

SEC. 13. "Permit" means the official permission granted by the local public agency to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used. "Permit" defined.

“Package” includes.

SEC. 14. “Package” includes any case, container, or receptacle, used for holding fireworks, which is closed, or sealed by tape, cordage, or by any other means.

“Person” includes.

SEC. 15. “Person” includes any individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

“Exporter” includes.

SEC. 16. “Exporter” includes any person who sells, consigns or delivers fireworks located within this state for delivery, use, or sale without this state.

“Importer” includes.

SEC. 17. “Importer” includes any person who for any purpose:

- (1) Brings fireworks into this state or causes fireworks to be brought into this state;
- (2) Procures the delivery or receives shipments of any fireworks into this state; or
- (3) Buys or contracts to buy fireworks for shipment into this state.

“Manufacturer” includes.

SEC. 18. “Manufacturer” includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

“Wholesaler” includes.

SEC. 19. “Wholesaler” includes any person, other than an importer, exporter, or manufacturer selling only to wholesalers who sells fireworks to a retailer or any other person for resale and shall also include any person who sells dangerous fireworks to public display permittees.

“Retailer” includes.

SEC. 20. “Retailer” includes any person who, at a fixed location or place of business, sells, transfers, or gives fireworks to a consumer or user.

“Salesman” includes.

SEC. 21. “Salesman” includes any person who, as an employee of a manufacturer or wholesaler,

solicits, accepts, or receives an order for fireworks from a licensee or permittee.

SEC. 22. "Sell" or "transfer" includes contracts or orders for sales or transfers.

"Sell" or "transfer" includes.

SEC. 23. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of dangerous fireworks.

"Pyrotechnic operator" includes.

SEC. 24. "Within this state" means within all territory within the boundaries of this state.

"Within this state" defined.

SEC. 25. "Without this state" means all territory without the boundaries of this state.

"Without this state" defined.

SEC. 26. "The State Fire Marshal's Seal of Registration" means the seal of registration of the state fire marshal and consists of a series of concentric circles lettered as follows:

"Fire marshal's seal of registration" defined.

Outer circle

upper half: "Registered"

lower half: "Fireworks"

Inner circle

upper half: "State of Washington"

lower half: "State Fire Marshal"

In the center shall appear a facsimile of the official state tree, the western hemlock:

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the state fire marshal to any registered classified fireworks manufacturer, importer, wholesaler, retailer, or other person or device governed by this chapter.

SEC. 27. The state fire marshal shall enforce and administer this chapter and shall have the following powers and duties:

Enforcement — Fire marshal's powers and duties.

(1) He shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter;

(2) He may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of permits for, and the presentation of, public displays of fireworks;

(3) He may adopt reasonable regulations providing for:

(a) The granting of licenses and permits for amateur research or experiments with experimental or model rockets or missiles, or for the production, transportation, or firing of experimental or model rockets or missiles.

(b) The granting of licenses and permits for the use of pyrotechnics by television, theatrical, or motion picture special effects personnel.

The provisions of this subsection do not apply to research or experiments with rockets or missiles, or the production, transportation, or firing of rockets or missiles by the department of defense of the United States, or by any agency or organization acting pursuant to a contract which it has with the department of defense for the development or production of rockets or missiles.

(4) Subject to such restrictions as are deemed necessary he may exempt from the provisions of this chapter specific pyrotechnic items for commercial, industrial, and agricultural uses.

SEC. 28. No person, without securing a permit, shall do any of the following:

(1) Manufacture, import, export, possess, or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;

(2) Discharge dangerous fireworks at any place;

(3) Make a public display of fireworks;

(4) Transport fireworks, except as a public carrier.

Acts unlawful without permit, enumerated.

SEC. 29. Any adult person or other group desiring to do any act mentioned in section 28 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the state fire marshal or his appropriate deputy. Applications for permits for public display of fireworks shall be made in writing at least ten days in advance of the proposed display.

Application for permit, when.

SEC. 30. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county.

Investigating officer's report.

SEC. 31. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

Power of decision on permit application.

SEC. 32. A permit shall not be issued unless the person applying for the permit has first obtained a license from the state fire marshal, as provided in this chapter, to do the particular act or acts described in the permit.

Grant of permit subject to licensing.

SEC. 33. It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Public display of fireworks—Investigation of application.

SEC. 34. The applicant for a permit for a public display of fireworks shall at the time of application

Public display of fireworks—Requisites for permit—Bond.

submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this state. He shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate of insurance evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved.

Public display
of fireworks—
Permit con-
ditioned.

SEC. 35. If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

Public display
of fireworks—
Minimum
bond,
insurance.

SEC. 36. In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond shall be not less than ten thousand dollars, and the amount of such insurance shall be not less than twenty thousand dollars.

Fireworks
generally.
Grant of per-
mit subject to
licensing.

SEC. 37. No permit shall be granted under this chapter for any activity unless the person applying for the permit has obtained a valid license, if a license is required under this chapter for such activity.

Issue, renewal
of licenses in
state fire
marshal.

SEC. 38. The state fire marshal shall have the power to issue and renew licenses for the manufacture, importation, exportation, sale, use and transportation of all fireworks in this state.

Activities not
subject to
licensing.

SEC. 39. No license shall be required for the sale at retail or for the use and discharge of agricultural and wild life fireworks.

SEC. 40. Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall first make a written verified application to the state fire marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Application—
—Fee.

SEC. 41. The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application—
Signatories.

SEC. 42. Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter.

Application
for renewal—
Fee.

SEC. 43. If the state fire marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Standard for
issuance of
permit.

SEC. 44. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the state fire marshal.

Permit
coverage.

SEC. 45. The original and annual renewal license fee shall be as follows:

License fees
enumerated.

Manufacturer	\$ 500.00
Importer and/or exporter ...	100.00
Wholesaler	1,000.00
Retailer (for each separate retail outlet)	10.00

Public display for dangerous fireworks	10.00
Pyrotechnic operator for dangerous fireworks	5.00

Terms of license.

SEC. 46. Beginning January 1, 1962, the original and annual renewal license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof.

Penalty license fee.

SEC. 47. A penalty fee equal to fifty percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1st.

Public display of fireworks—General license—Bond.

SEC. 48. Notwithstanding any of the other provisions of this chapter relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or copartnership may secure a general license for the public display of fireworks within the state of Washington subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in section 34 of this chapter, a surety bond similarly conditioned in the amount of twenty-five thousand dollars or a certificate evidencing public liability insurance in a like amount shall be filed with the state fire marshal. The state fire marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which he may adopt, not inconsistent with the provisions of this chapter. A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof.

Refusing, not renewing, license, grounds.

SEC. 49. If the state fire marshal finds that the granting or renewing of a license would be contrary

to the public safety or welfare, he may deny the application for a license or a renewal of a license.

SEC. 50. A written report of the state fire marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

Reports as grounds for refusing, not renewing license.

SEC. 51. Any applicant who has been denied a license or a renewal of a license shall be entitled to a hearing in accordance with the provisions of chapter 48.04 RCW.

Denial of license—Hearing.

SEC. 52. The state fire marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he finds that:

Revocation of license—Grounds.

(1) A licensee has failed to pay the original and annual renewal license fee provided in this chapter;

(2) The licensee has violated any provisions of this chapter or any rule or regulations made by the state fire marshal under and with the authority of this chapter;

(3) The licensee has created or caused a fire nuisance;

(4) Any licensee has failed or refused to file any required reports; or

(5) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the state fire marshal in refusing originally to issue such license.

SEC. 53. All fireworks, before being imported, exported, sold or offered for sale, shall be classified by the state fire marshal, in accordance with the pro-

Fireworks to be classified.

visions of this chapter, as being either dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Fireworks to be classified and registered —Procedure.

SEC. 54. No fireworks items shall be sold, offered for sale, discharged, or transported within the state without first having been classified and registered by the state fire marshal. Any licensee desiring to have safe and sane fireworks articles classified and registered by the state fire marshal shall submit to his office not less than three live samples of each item for which classification is desired together with a notarized chemical analysis of the materials of such samples. Each item must be labeled as for sale and distribution together with firing instructions. Every fireworks article which has not been submitted for classification or which does not bear the classification label of the state fire marshal shall be considered to be dangerous fireworks. All shipments shall be prepaid. Classification shall be limited to the products of licensed manufacturers excepting only fireworks articles classified by this chapter as dangerous fireworks intended and used for public fireworks displays which may be classified for licensed manufacturers, importers and/or wholesalers.

Fireworks to be labeled.

SEC. 55. The manufacturer, importer or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned or delivered within this state for sale or use within this state as "dangerous fireworks". Each package of safe and sane fireworks shall be marked as "safe and sane fireworks" and shall bear the state fire marshal's classification label and license number.

Safe and sane fireworks sold, when.

SEC. 56. No safe and sane fireworks shall be sold or offered for sale at retail within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year.

SEC. 57. No safe and sane fireworks shall be sold or offered for sale at retail unless the fuses or other igniting devices are protected by approved protective caps or each item or group of items is enclosed or sealed in a package bearing the state fire marshal's seal of registration upon which the wholesaler's license number appears.

Igniting devices to be protected.

SEC. 58. Toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap is used may be sold at all times unless prohibited by local ordinance.

Devices using paper caps may be sold, when.

SEC. 59. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

Public displays of fireworks to be safe.

SEC. 60. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the state fire marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area.

Public displays of fireworks, supervision.

SEC. 61. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made, or to the state fire marshal, or to such authorized deputy as may be designated for such purpose at least ten days prior to the date of the proposed storage. If there is no chief of the fire department or chief fire prevention officer in the area, it shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such stor-

Storage of fireworks, permit —Procedure to obtain.

age as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Storage facilities for fireworks to be approved.

SEC. 62. It shall be unlawful for any person to store unsold stocks of safe and sane fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of safe and sane fireworks remaining after the authorized retail sales period from twelve o'clock noon on June 28th to twelve o'clock noon on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district, or to a place approved by the state fire marshal.

Sale upon forfeiture of license.

SEC. 63. Following the revocation or voluntary surrender of, or failure to renew his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the state fire marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Fireworks subject to seizure.

SEC. 64. Any fireworks not bearing the seal of approval of the state fire marshal which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the state fire marshal shall be subject to seizure by the state fire marshal or any deputy state fire marshal. Any fireworks seized under this section may be disposed of by the state fire marshal by summary destruc-

tion at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of section 65, whichever is later.

SEC. 65. Any person whose fireworks are seized under the provisions of section 64 may within ten days after such seizure petition the state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the state fire marshal shall be served upon the petitioner. The state fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the state fire marshal.

Fireworks
subject to
seizure—Ap-
peal for
return,
procedure.

SEC. 66. The state fire marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the state fire marshal.

Confiscation
of auto con-
taining fire-
works.

In the event that the state fire marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under RCW 46.52.110, and the keeper of any garage in which any such vehicle is

Garage lien
for towing,
storage.

stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle.

On the expiration of notice given, unclaimed vehicles shall be sold pursuant to RCW 46.52.110 and the proceeds disposed of as provided therein.

Inspection of books and premises authorized.

SEC. 67. The state fire marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the state fire marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Record of licensees to be available.

SEC. 68. All licensees shall maintain and make available to the state fire marshal full and complete records showing all production, imports, exports, purchases, sales and consumption of fireworks items by kind and class whether dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Required records of licensees, when deemed made.

SEC. 69. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the state fire marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Additional reports authorized.

SEC. 70. In addition to any other reports required under this chapter, the state fire marshal may, by rule or otherwise, require additional, other, or sup-

plemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

SEC. 71. Each bill of lading, manifest, and invoice issued to cover sales or shipments of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

Records to bear license numbers.

SEC. 72. The sale, transportation, possession, or discharge of unclassified fireworks is prohibited.

Unclassified fireworks prohibited.

SEC. 73. The transfer of dangerous fireworks ownership whether by sale at wholesale or retail, by gift or other means of conveyance of title or the delivery of any dangerous fireworks to any person in the state who does not possess and present to the seller for inspection at the time of transfer a valid license and permit, where such permit is required to purchase, possess, transport, or use dangerous fireworks, is prohibited.

Dangerous fireworks transactions prohibited.

SEC. 74. The unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter shall be a misdemeanor.

Fireworks possession, misdemeanor.

SEC. 75. Possession of fireworks unmarked with the manufacturer's license number and the state fire marshal's classification as required by this chapter shall be prima facie evidence of a violation of this chapter.

Fireworks possession as evidence of violation.

SEC. 76. Nothing in this chapter shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the supervisor of forestry or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Forest fire restrictions.

Permissible deliveries of fireworks enumerated.

SEC. 77. No person shall transport, convey, or deliver any dangerous fireworks or agricultural and wild life fireworks except for licensed permittees making delivery to:

- (1) Other licensed permittees;
- (2) Locations of public displays of fireworks authorized under this part;
- (3) Distributors outside this state; or
- (4) Agricultural or wild life permittees.

Fireworks not to be in garages.

SEC. 78. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other class 1 flammable liquids are stored or dispensed or where more than four motor vehicles are stored.

Transfer only to fireworks permittee.

SEC. 79. No person shall sell or transfer any dangerous fireworks to any person who is not a fireworks permittee as provided for by this chapter.

Transfer only at fixed place of business.

SEC. 80. No person shall sell or transfer any safe and sane fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued.

Fire nuisance restrictions.

SEC. 81. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist.

Permissible licensee actions.

SEC. 82. This chapter does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this chapter, from:

- (1) Manufacturing or selling any kind of fireworks for direct shipment out of this state;
- (2) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder;
- (3) Selling blank cartridges for use by persons for bona fide ceremonial purposes, athletic, sports events, or military ceremonials or demonstrations; or

(4) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

SEC. 83. This chapter does not prohibit the use of torpedoes, flares, or fusees by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

Certain uses exempt under chapter.

SEC. 84. This chapter does not prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks.

Theatrical productions exempt from chapter if permit obtained.

SEC. 85. Any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

General penalty.

SEC. 86. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to this chapter.

Separate offense each day violation continues.

SEC. 87. This chapter shall be known and may be cited as the state fireworks law.

Short title.

SEC. 88. A local public agency shall not charge more than ten dollars as a permit fee for any one year.

Maximum permit fee.

SEC. 89. The rules and regulations adopted by the state fire marshal relating to fireworks and in existence on the effective date of this chapter shall continue thereafter to be in effect as rules and

Rules and regulations continued.

regulations of the state fire marshal until amended or repealed pursuant to the provisions of this chapter.

Effective date.

SEC. 90. This act shall take effect on January 1, 1962.

Severability.

SEC. 91. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 92. Sections 1 through 11, chapter 174, Laws of 1951 as amended by sections 1 through 4, chapter 34, Laws of 1953 and RCW 70.77.010 through 70.77-.110 are each repealed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 229.

[H. B. 371.]

STATE COLLEGES AND UNIVERSITIES— CONSTRUCTION—BONDS.

AN ACT relating to state institutions of higher learning; amending sections 1 and 2, chapter 91, Laws of 1925 extraordinary session and section 4, chapter 66, Laws of 1915 as last amended by section 1, chapter 24, Laws of 1933 extraordinary session, sections 1 and 2, chapter 64, Laws of 1947 and section 1, chapter 17, Laws of 1950 extraordinary session, and RCW 28.76.180, 28.76.190, 28.76.200 and 28.76.210; and adding new sections to chapter 28.76 RCW.

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

SECTION 1. Sections 1 and 2, chapter 91, Laws of 1925 extraordinary session and section 4, chapter 66, Laws of 1915 as last amended by section 1, chapter 24, Laws of 1933 extraordinary session, sections 1 and 2, chapter 64, Laws of 1947 and section 1, chapter 17, Laws of 1950 extraordinary session (heretofore

divided, combined and codified as RCW 28.76.180, 28.76.190, 28.76.200 and 28.76.210) are amended to read as set forth in sections 2, 3, 4, 5, and 6 of this act.

SEC. 2. (RCW 28.76.180) The boards of regents of the University of Washington and Washington State University and the board of trustees of the state colleges of education at Ellensburg, Cheney and Bellingham, are hereby severally authorized to:

RCW 28.76.180 amended. Construction and installation of college buildings and facilities.

(1) Enter into contracts with persons, firms, or corporations for the construction and installation of dormitory, hospital, infirmary, dining, student activities, vehicular parking, and student, faculty, and employee housing and boarding buildings or facilities;

(2) Purchase or lease lands and other appurtenances necessary for the construction and installation of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition, construction and installation of such lands, buildings, and facilities, including interest during construction and other incidental costs and to issue revenue bonds or other evidence of indebtedness therefor and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining,

housing, boarding, vehicular parking, or student activity building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of acquisition, construction, and installation of such lands, buildings, and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan any part or all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, and to pledge the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of lands, buildings, and facilities of the nature authorized by this section.

RCW 28.76.190
amended.
Use of building
and facilities.

SEC. 3. (RCW 28.76.190) The lands, buildings, and facilities acquired for those purposes shall be used solely for dormitory, hospital, infirmary, housing, boarding, dining, vehicular parking, or student activities in the respective institutions.

RCW 28.76.200
amended.
Rate of
interest.

SEC. 4. (RCW 28.76.200) The rate of interest on the principal of any obligation made or incurred under the authority granted in RCW 28.76.180 shall not exceed seven percent per annum.

RCW 28.76.210
enacted
without
amendment.

SEC. 5. (RCW 28.76.210) The state shall incur no liability by reason of the exercise of the authority granted in RCW 28.76.180.

SEC. 6. (RCW 28.77.050) All fees except general tuition fees shall be held by the 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: *Provided*, That the board of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use of facilities of any dormitory, hospital, or infirmary building, and the board of regents shall have authority to pledge any or all such fees for the retirement of any bonds that may be issued for the construction of such dormitory, hospital, or infirmary building.

RCW 28.77.050
enacted
without
amendment.

SEC. 7. There is added to chapter 28.76 RCW a new section to read as follows:

New section.

Each issue or series of such bonds: Shall be sold at a price which will result in a net interest cost over the life thereof of not to exceed seven percent per annum, and no single interest or coupon rate shall be greater than seven percent per annum; may be serial or term bonds; may mature at such time or times in not to exceed forty years from date of issue; may be sold at public or private sale; may be payable both principal and interest at such place or places; may be subject to redemption prior to any fixed maturities; may be in such denominations; may be payable to bearer or to the purchaser or purchasers thereof or may be registrable as to principal or principal and interest at the option of the holder; may be issued under and subject to such terms, conditions, and covenants providing for the payment of the principal thereof and interest thereon, which may include the creation and maintenance of a reserve fund or account to secure the payment of such principal and interest and a provision that additional bonds payable out of the same source or sources may later be issued on a parity therewith, and such other terms, conditions, cov-

Bonds—
General
provisions
governing
issuance.

Trustees. enants and protective provisions safeguarding such payment, all as determined and found necessary and desirable by said boards of regents or trustees. If found reasonably necessary and advisable, such boards of regents or trustees may select a trustee for the owners and holders of each such issue or series of bonds and/or for the safeguarding and disbursements of the proceeds of their sale for the uses and purposes for which they were issued and, if such trustee or trustees are so selected, shall fix its or their rights, duties, powers, and obligations. The bonds of each such issue or series: Shall be executed on behalf of such universities or colleges by the president of the board of regents or the chairman of the board of trustees, and shall be attested by the secretary of such board, one of which signatures may be a facsimile signature; and shall have the seal of such university or college impressed, printed, or lithographed thereon, and the interest coupons attached thereto shall be executed with the facsimile signatures of said officials. The bonds of each such issue or series and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state even though they shall be payable solely from any special fund or funds.

New section.

SEC. 8. There is added to chapter 28.76 RCW a new section to read as follows:

Funding or
refunding
bonds—
General provi-
sions govern-
ing issuance.

Such boards of regents or trustees may from time to time provide for the issuance of funding or refunding revenue bonds to fund or refund at or prior to maturity any or all bonds of other indebtedness, including any premiums or penalties required to be paid to effect such funding or refunding, heretofore or hereafter issued or incurred to pay all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28.76.180.

Such funding or refunding bonds and each of the coupons attached thereto shall be negotiable instruments within the provisions and intent of the negotiable instruments law of this state. The net interest cost over the life of such funding or refunding bonds shall not exceed seven percent per annum, and the amount of any premium or penalty paid to effect such funding or refunding shall not be considered in determining such net interest cost.

Such funding or refunding bonds may be exchanged for or applied to the payment of the bonds or other indebtedness being funded or refunded or may be sold in such manner and at such price as the boards of regents or trustees deem advisable, either at public or private sale.

The provisions of this chapter relating to the maturities, terms, conditions, covenants, interest rate, issuance, and sale of revenue bonds shall be applicable to such funding or refunding bonds except as may be otherwise specifically provided in this section.

SEC. 9. There is added to chapter 28.76 RCW a New section. new section to read as follows:

The authority granted in this act shall be liberally construed and shall apply to all lands, buildings, and facilities of the nature described in RCW 28.76.180 heretofore or hereafter acquired, constructed, or installed and to any rentals, contract obligations, bonds or other indebtedness heretofore or hereafter issued or incurred to pay part or all of the cost thereof, and shall include authority to pledge for the amortization plan the net income from any and all existing and future lands, buildings and facilities of the nature described in RCW 28.76.180 whether or not the same were originally financed hereunder or under predecessor statutes.

Construction,
application
of act.

New section.

SEC. 10. There is added to chapter 28.76 RCW a new section to read as follows:

Prior issues
of bonds
validated.

Any terms, conditions, and covenants of any bonds heretofore issued by the University of Washington, Washington State University, and the state colleges of education at Ellensburg, Cheney, and Bellingham under the authority of chapter 91, Laws of 1925 extraordinary session, as last amended by chapter 64, Laws of 1947, not expressly authorized by said laws but authorized herein are hereby declared to be legal and binding in all respects.

Passed the House February 14, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 230.

[H. B. 661.]

FOOD FISH AND SHELLFISH—APPLICATION FOR LICENSE.

AN ACT relating to food fish and shellfish; and adding a new section to chapter 12, Laws of 1955 and to chapter 75.08 RCW.

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

New section.

SECTION 1. There is added to chapter 12, Laws of 1955 and to chapter 75.08 RCW a new section to read as follows:

Personal
application
for license,
reciprocity.

If pursuant to the laws of any other state or territory application for any license relating to food fish or shellfish, commercial or personal, is required by such state or territory to be made in person by the person seeking to be licensed, a like requirement shall be imposed upon any person from such other state or territory who makes application for any license under the provisions of this title.

Passed the House February 28, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 231.

[Sub. H. B. 199.]

LICENSED PRACTICAL NURSES—MEDICATIONS.

AN ACT relating to licensed practical nurses and adding a new section to chapter 222, Laws of 1949 and to chapter 18.78 RCW.

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

SECTION 1. There is added to chapter 222, Laws of 1949 and to chapter 18.78 RCW a new section to read as follows:

Licensed practical nurses may give medications under the direction and supervision of a physician and surgeon or under the direction and supervision of a registered nurse when selected to do so by a physician and surgeon or a registered nurse, until July 1, 1963.

Passed the House February 28, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 232.

[H. B. 271.]

REGIONAL PLANNING.

AN ACT relating to regional planning; amending section 6, chapter 201, Laws of 1959 and RCW 36.70.060; amending section 40, chapter 201, Laws of 1959 and RCW 36.70.400; amending section 60, chapter 201, Laws of 1959 and RCW 36.70.600; amending section 61, chapter 201, Laws of 1959 and RCW 36.70.610; amending section 63, chapter 201, Laws of 1959 and RCW 36.70.630; and adding a new section to chapter 201, Laws of 1959 and to chapter 36.70 RCW.

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

SECTION 1. Section 6, chapter 201, Laws of 1959 and RCW 36.70.060 are each amended to read as follows:

Regional
planning
commission—
Appointment
and powers.

A county or a city may join with one or more other counties, cities and towns, and/or with one or more school districts, public utility districts, private utilities, housing authorities, port districts, or any other private or public organizations interested in regional planning to form and organize a regional planning commission and provide for the administration of its affairs. Such regional planning commission may carry on a planning program involving the same subjects and procedures provided by this chapter for planning by counties, provided this authority shall not include enacting official controls other than by the individual participating municipal corporations. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission and provide for allocating the cost of financing the work shall be vested individually in the governing bodies of the participating municipal corporations.

Any regional planning commission or municipal corporation participating in any regional planning district is authorized to receive grants-in-aid from, or enter into reasonable agreement with any department or agency of the government of the United States or of the state of Washington to arrange for the receipt of federal funds and state funds for planning in the interests of furthering the planning program.

RCW 36.70.400
amended.

SEC. 2. Section 40, chapter 201, Laws of 1959 and RCW 36.70.400 are each amended to read as follows:

Comprehen-
sive plan—
Approval—
Required vote
—Record.

The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission

and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

SEC. 3. Section 60, chapter 201, Laws of 1959 and RCW 36.70.600 are each amended to read as follows:

The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

RCW 36.70.600
amended.

Official
controls—
Recommendation
to the
board—
Required vote
—Record.

SEC. 4. Section 61, chapter 201, Laws of 1959 and RCW 36.70.610 are each amended to read as follows:

A copy of any official control or amendment recommended pursuant to RCW 36.70.550, 36.70.560, 36.70.570 and 36.70.580 shall be submitted to the board not later than fourteen days following the action by the commission and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing, and analysis of findings considered by the commission to be controlling.

RCW 36.70.610
amended.

Official con-
trols—Refer-
ence to board.

RCW 36.70.630 amended.

SEC. 5. Section 63, chapter 201, Laws of 1959 and RCW 36.70.630 are each amended to read as follows:

Official controls—Reconsideration before incorporation of change—Adaption.

If after considering the matter at a public meeting as provided in RCW 36.70.620 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until the board shall conduct its own public hearing, giving notice thereof as provided in RCW 36.70.590, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

New section.

SEC. 6. There is added to chapter 201, Laws of 1959 and to chapter 36.70 RCW a new section to read as follows:

Regional planning a public purpose.

Regional planning under the provisions of this chapter is hereby declared to be a proper public purpose for the expenditure of the funds of counties, school districts, public utility districts, housing authorities, port districts, cities or towns or any other public organization interested in regional planning.

Passed the House February 18, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 233.

[H. B. 277.]

STATE HIGHWAYS—AWARD OF CONTRACTS.

AN ACT relating to state highways; authorizing the award of certain contracts; and amending section 47.28.030, chapter 13, Laws of 1961 (House Bill No. 3), and RCW 47.28.030.

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

RCW 47.28.030 amended.

SECTION 1. Section 47.28.030, chapter 13, Laws of 1961 (House Bill No. 3), and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. The state highway commission may authorize any district engineer of the highway commission to award any contract for work not exceeding a cost of fifteen thousand dollars. All such awards shall be subject to the approval of the commission and shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section.

Highway contracts. Day labor, monetary limits—Award by district engineer—Lease of equipment with operator.

Whenever the work to be performed is repair or maintenance of an existing highway, and the engineer's estimate indicates the cost of the work would not exceed two thousand five hundred dollars nor require in excess of twenty working days to perform, and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public, the state highway commission may negotiate a contract for rental of any equipment required for performance of the work, with an operator, and in such instances the contractor furnishing such equipment need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond.

Passed the House February 17, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 234.

[H. B. 311.]

VOCATIONAL TRAINING FOR BLIND PERSONS.

AN ACT relating to vocational training for blind persons and amending section 74.16.180, chapter 26, Laws of 1959 and RCW 74.16.180.

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

RCW 74.16.180 amended.

SECTION 1. Section 74.16.180, chapter 26, Laws of 1959 and RCW 74.16.180 are each amended to read as follows:

Blind. Vocational training.

The department may maintain or cause to be maintained, in cooperation with the division of vocational rehabilitation of the state board of vocational education, services for vocational aid and training the objects of which shall be:

(1) To place blind persons in jobs and/or business enterprises in accordance with the abilities and interests of the applicant therefor;

(2) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries;

(3) To establish, construct, and/or maintain one or more rehabilitation and training centers and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind persons, to provide employment for them, and to devise means for the sale and distribution of the products thereof;

(4) To arrange for special education and/or training in the trades, business or professions under a vocational plan, and if the same cannot be obtained within the state arrangements shall be made for such purposes outside of the state. Living maintenance during the period of such education and/or

training within or without the state shall be furnished where there is need;

(5) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials and/or machinery to them, and/or by providing them with financial assistance where there is need;

(6) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living;

(7) Services provided for under this section may be furnished to clients from other agencies of this or other states for a fee which shall not be less than the actual cost of such services.

Passed the House February 7, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 235.

[H. B. 404.]

PUBLIC ASSISTANCE—INCOME DEFINED.

AN ACT relating to public assistance; amending section 74.04.005 of chapter 26 of the Laws of 1959 and RCW 74.04.005.

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

SECTION 1. Section 74.04.005 of chapter 26 of the Laws of 1959 and RCW 74.04.005 are each amended to read as follows:

RCW 74.04.005 amended.

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

Public assistance, general provisions. Definitions.

(1) "Public assistance" or "assistance"—Public aid to persons in need thereof for any cause, including services, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"—The department of public assistance.

(3) "County office"—The administrative office for one or more counties.

(4) "Director"—The director of the state department of public assistance.

(5) "Federal-aid assistance"—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons, including old age assistance, aid to dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services and any other programs of public assistance which are authorized by this title for which provision for federal aid may from time to time be made.

(6) "General assistance"—Shall include aid to unemployable persons and unemployed employable persons who are not eligible to receive or are not receiving federal-aid assistance.

(a) Unemployable persons are those persons who by reason of bodily or mental infirmity or other cause are incapacitated from gainful employment.

(b) Unemployed employable persons are those persons who although capable of gainful employment are unemployed.

(7) "Budgetary basis"—A basis taking into consideration an applicant's need and resources, and shall be measured in relation to a basic minimum family budget determined by the department.

(8) "Committee"—The public assistance committee created by this title.

(9) "Direct relief"—Payment by cash or voucher to provide the necessities of life to a person and his dependents, and shall include materials furnished or

services rendered for such purposes to such person and dependents in his own home.

(10) "Grant-in-aid" — An allocation of public funds by the state to counties for public assistance purposes.

(11) "Institutional care" — Care provided by counties through hospitals, sanatoria and homes or farms.

(12) "Work relief" — Wages paid by a body politic or corporate to persons who are unemployed, or whose employment is inadequate to provide the necessities of life to themselves and dependents, out of money specifically appropriated or contributed for that purpose, for the performance of services or labor connected with work undertaken by such body independent of work under contract or for which an annual appropriation is made: *Provided*, That the expenditure of moneys made available for assistance purposes under this title in connection with work relief programs shall be limited to the payment of wages exclusively.

(13) "Applicant"—Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(14) "Recipient" — Any person receiving assistance or currently approved to receive assistance at any future date and in addition those dependents whose needs are included in the recipient's grant.

(15) "Income" — Net income in cash or kind available to an applicant or recipient, the receipt of which is regular and predictable enough that an applicant or recipient may rely upon it to contribute appreciably toward meeting his needs: *Provided*, That in determining the amount of assistance to which a recipient of aid to the blind is entitled or to which any dependent of such recipient may be entitled under any category of public assistance, the department shall disregard as a resource the first eighty-five dollars per month of earned income plus

half of earned income in excess of eighty-five dollars per month of such blind recipient who is otherwise eligible for an aid to the blind grant: *Provided further*, That a recipient of aid to the blind may accumulate without penalty from such exempt income, an amount not to exceed the maximum value of personal property as established by the department pursuant to this section less other cash, marketable securities, cash surrender value of insurance and/or car held by such recipient. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" in such a manner as to meet with the approval of the federal security agency.

(16) "Need"—The amount by which the requirements of an individual for himself and the dependent members of his family, as measured by the standards of the department, exceed all income and resources available to such individual in meeting such requirements.

(17) "Resource" — Any asset, tangible or intangible, which can be applied toward meeting an applicant's or recipient's need, either directly or by conversion into money or its equivalent: *Provided*, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto. Whenever a recipient shall cease to use such property for residential purposes, either by himself or his dependents, the property shall be considered a resource which can be made available to meet need. If the person or his dependents absent themselves from the home for a consecutive period of ninety days such absence shall raise a presumption of abandonment: *Provided*, That hospitalization of a

recipient or absence from the recipient's home for health reasons for a period in excess of ninety days shall not raise such a presumption.

(b) Household furnishings and personal clothing used and useful to the person.

(c) An automobile.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit, or marketable securities of such value.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That this maximum allowance shall be decreased by the amount of cash held by the person or the family unit under item (d) above.

(f) Other personal property and belongings which are used and useful or which have great sentimental value to the applicant or recipient. Whenever such person ceases to make use of such personal property and belongings, the same shall be considered a resource available to meet need.

(g) If the federal laws permit, the first fifty dollars per month of earned income of any recipient of old age assistance, aid to dependent children, or disability assistance who is otherwise eligible.

The department shall by rule and regulation fix the ceiling value for the individual or family unit for all personal property and belongings as defined in items (c), (d) and (e) of this section. If an applicant for or recipient of public assistance possesses personal property and belongings of a value in excess value, such person shall be ineligible for public assistance: *Provided*, That in the determination of need of applicants for or recipients of general assistance no resources shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource

when such resources are determined to be necessary to the applicant's or recipient's restoration to independence.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Passed the House February 13, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 236.

[H. B. 448.]

REEF NET FISHING AREAS—LUMMI ISLAND.

AN ACT relating to reef net fishing areas; and amending section 2, chapter 276, Laws of 1955, as amended by section 1, chapter 309, Laws of 1959 and RCW 75.12.140.

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

RCW 75.12.140 amended.

SECTION 1. Section 2, chapter 276, Laws of 1955, as amended by section 1, chapter 309, Laws of 1959 and RCW 75.12.140 are each amended to read as follows:

Reef net fishing areas created.

The following reef net fishing areas are hereby created: *Provided*, That nothing in this section and RCW 75.12.150 and 75.12.160 shall be interpreted as prohibiting other types of legal gear from fishing within the areas created:

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point one mile distant, as such description is shown upon the United

States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D. C., eleventh edition.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on the mainland at longitude $122^{\circ} 44' 54''$ latitude $48^{\circ} 51' 48''$ and longitude $122^{\circ} 44' 18''$ latitude $48^{\circ} 51' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Village Point 208° true to a point 900 yards distant, thence 129° true to the point of intersection with a line projected 259° true from the shore of Lummi Island at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition, revised 11-25-57, save and except that there shall be excluded therefrom all waters lying inside of a line projected 259° true from a point at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$ to a point 300 yards distant from high tide, thence in a northerly direction to the United States Coast and Geodetic Survey reference mark number 2,1941-1950, located on that point on Lummi Island known as Lovers Point, as such descriptions are shown upon the United States Coast and Geodetic Survey map number 6380 as aforesaid.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence 200° true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(5) Flat Point reef net fishing area includes those waters within a radius of 125 feet of a point off Lopez Island located at longitude $122^{\circ} 55' 24''$ latitude $48^{\circ} 32' 33''$, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude $122^{\circ} 55' 04''$ latitude $48^{\circ} 31' 59''$ and longitude $122^{\circ} 55' 54''$ latitude $48^{\circ} 30' 55''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Macaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude $122^{\circ} 53' 00''$ latitude $48^{\circ} 25' 39''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude $122^{\circ} 51' 11''$ latitude $48^{\circ} 25' 14''$ southeasterly 800 yards to the submerged rock shown on U. S. G. S. map number 6380, thence northerly to the cove on Lopez Island at longitude $122^{\circ} 50' 49''$ latitude $48^{\circ} 25' 42''$, as such descriptions

are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude $122^{\circ} 56' 14''$ latitude $48^{\circ} 33' 28''$ and longitude $122^{\circ} 57' 29''$ latitude $48^{\circ} 32' 58''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 47''$ and longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$

latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude $123^{\circ} 11' 34\frac{1}{2}''$ latitude $48^{\circ} 35' 27\frac{1}{2}''$ and a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U. S. G. S. map number 6380 at longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49\frac{1}{2}''$, and projected 50 feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(17) Smugglers Cove reef fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$ and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of

San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude 123° 09' 53½" latitude 48° 33' 00" and the cable crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48° 33' 04", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eighth edition.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude 122° 57' 40" latitude 48° 41' 06" thence northeasterly to a point 500 feet true west of Point Doughty, then true east to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D. C., eight edition.

Passed the House February 15, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 237.

[H. B. 51.]

SCHOOL BUSES—EXTRA—CURRICULAR USE.

AN ACT relating to school bus transportation; and amending section 2, chapter 68, Laws of 1955 and RCW 28.58.100.

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

SECTION 1. Section 2, chapter 68, Laws of 1955 and RCW 28.58.100 are each amended to read as follows:

RCW 28.58.100 amended.

Every board of directors, unless otherwise specially provided by law, shall:

School district directors, general powers.

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter,

allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judg-

ment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hear-

ing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 238.

[H. B. 269.]

SCHOOLS—FLAG EXERCISES, SALUTE, NATIONAL ANTHEM.

AN ACT relating to schools; relating to the national anthem and display of the United States flag in schools; and amending section 180, chapter 118, Laws of 1897, as last amended by section 1, chapter 8, Laws of 1955 and RCW 28.02.030.

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

RCW 28.02.030
amended.

SECTION 1. Section 180, chapter 118, Laws of 1897, as last amended by section 1, chapter 8, Laws of 1955 and RCW 28.02.030 are each amended to read as follows:

Schools to
display na-
tional flag—
Salute.

The board of directors of every school district shall procure a United States flag, which shall be replaced with a new one whenever it becomes tattered, torn or faded. They shall cause the flag to be displayed upon or near each public school building during school hours, except in unsuitable weather.

They shall cause appropriate flag exercises to be held in every school at least once in each week, including but not limited to the opening of all school assemblies at which exercises the pupils shall recite the following salute to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all." The salute to the flag or the national anthem shall be rendered immediately preceding interschool events, when feasible.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 239.

[H. B. 296.]

MOTOR VEHICLE DEALERS—SUIT ON BOND.

AN ACT relating to motor vehicles; regulating the licensing of motor vehicle dealers; amending section 46.70.070, chapter 12, Laws of 1961 (House Bill No. 2), and RCW 46.70.070.

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

SECTION 1. Section 46.70.070, chapter 12, Laws of 1961 (House Bill No. 2), and RCW 46.70.070 are each amended to read as follows:

Before issuing a dealer license, the director shall require the applicant to file with said director a surety bond in the amount of ten thousand dollars for automobile dealers and two thousand dollars for miscellaneous dealers running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser

RCW 46.70.070 amended.

Motor vehicle dealer's licenses. Bond required—
Actions—
Revocation of license.

who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the director shall revoke the license of the dealer.

Passed the House February 17, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 240.

[H. B. 397.]

SOIL AND WATER CONSERVATION DISTRICTS.

AN Act relating to soil and water conservation; amending section 1, chapter 187, Laws of 1939 (RCW 89.08.005); amending section 3, chapter 187, Laws of 1939, as last amended by section 1, chapter 304, Laws of 1955, and RCW 89.08.020; amending section 3, chapter 304, Laws of 1955 and RCW 89.08.030; amending section 4, chapter 304, Laws of 1955 and RCW 89.08.040; amending section 5, chapter 304, Laws of 1955 and RCW 89.08.050; amending section 7, chapter 304, Laws of 1955 and RCW 89.08.070; amending section 1, chapter 17, Laws of 1961 (House Bill No. 8) and RCW 89.08.080; amending section 12, chapter 304, Laws of 1955 and RCW 89.08.120; amending section 17, chapter 304, Laws of 1955 and RCW 89.08.170; amending section 18, chapter 304, Laws of 1955 and RCW 89.08.180; amending section 6, chapter 187, Laws of 1939 as amended by section 19, chapter 304, Laws of 1955 and RCW 89.08.190; amending section 21, chapter 304, Laws of 1955 and RCW 89.08.200; amending section 23, chapter 304, Laws of 1955 and RCW 89.08.220; and amending section 14, chapter 187, Laws of 1939 and RCW 89.08.340.

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

SECTION 1. Section 1, chapter 187, Laws of 1939 (RCW 89.08.005) is amended to read as follows: RCW 89.08.005 amended.

This chapter shall be known and cited as the Soil and Water Conservation Districts Law. Short title.

SEC. 2. Section 3, chapter 187, Laws of 1939, as last amended by section 1, chapter 304, Laws of 1955, and RCW 89.08.020 are each amended to read as follows: RCW 89.08.020 amended.

Unless the context clearly indicates otherwise, as used in this chapter: Definitions.

“Committee” and “conservation committee” mean the state soil and water conservation committee created hereunder;

“District” means a soil and water conservation district created hereunder;

“Board” and “supervisors” mean the board of supervisors of a soil and water conservation district;

“Land owner” or “owner of land” means the holder of legal or equitable title to land in a district;

“Tenant” means person or persons who operate a farm under a lease, crop share or similar arrangement;

“Due notice” means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number or public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice.

SEC. 3. Section 3, chapter 304, Laws of 1955 and RCW 89.08.030 are each amended to read as follows: RCW 89.08.030 amended.

There is hereby created as an agency of the state, the state soil and water conservation committee. State soil and water conservation committee.

The committee shall consist of five farmer members and two ex officio members. The farmer members shall be actively engaged in commercial farming

in this state. Two of the farmer members shall be appointed by the governor and three shall be elected as herein provided. The appointed farmer members shall serve for a term of four years. The appointments of the first farmer members after June 8, 1955 shall be effective upon the expiration of the terms of the present appointed farmer members:

The other three farmer members shall be elected for three-year terms, one being elected each year by the district supervisors at their annual statewide meeting. One of the members shall be from eastern Washington, one from central Washington and one from western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed committee members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected committee members shall be filled by the vice president of the state association of soil and water conservation districts who serves the part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the committee member.

The director of the department of conservation and the director of the institute of agricultural sciences at the Washington State University shall be ex officio members of the committee. An ex officio member of the committee shall hold office so long as he retains the office by virtue of which he is a member of the committee.

Upon June 8, 1955, the officers and directors representing the soil and water conservation districts shall appoint one farmer member from each of the three respective areas of the state to serve on the

committee until the next annual meeting of the district supervisors, at which time elections shall be held as provided for in this chapter.

SEC. 4. Section 4, chapter 304, Laws of 1955 and RCW 89.08.040 are each amended to read as follows:

RCW 89.08.040
amended.

The committee shall designate its chairman from time to time. Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

Committee
chairman—
Expenses—
Records, rules,
hearings, etc.

The committee shall keep a record of all its official actions, proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts, adopt a seal, which shall be judicially noticed, adopt and promulgate rules, hold public hearings, and do all things necessary to carry out its functions. The state department of conservation is empowered to pay the necessary travel expenses of the farmer members of the state soil and water conservation committee, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

SEC. 5. Section 5, chapter 304, Laws of 1955 and RCW 89.08.050 are each amended to read as follows:

RCW 89.08.050
amended.

The committee may employ an administrative officer, and such technical experts and such other agents and employees as it requires, and determine their qualifications, duties, and compensation, and may call upon the attorney general for such legal services as it may require.

Committee
employees—
Surety bonds—
Delegation
—Quorum.

It may delegate to its chairman or to its members or employees such duties and powers as it deems proper. It shall provide for surety bonds for its officers and employees entrusted with funds or property.

A majority of the committee shall constitute a quorum, and a majority must concur in any matter calling for committee action.

RCW 89.08.070 amended.

SEC. 6. Section 7, chapter 304, Laws of 1955 and RCW 89.08.070 are each amended to read as follows:

General duties of committee.

In addition to the duties and responsibilities hereinafter conferred upon the committee, it shall have the following duties and responsibilities:

(1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts in the carrying out of any of their powers and programs.

(2) To keep the supervisors of each of the several soil and water conservation districts informed of the activities and experience of all other such districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) To coordinate the programs of the several soil and water conservation districts so far as this may be done by advice and consultation.

(4) To secure the cooperation of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To disseminate information throughout the state concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.

(6) To establish policies for utilization of state appropriations by the committee and by districts and to decide on distribution and use of such funds within the state; also to manage any other funds which may become available for use by districts or by the committee.

RCW 89.08.080 amended.

SEC. 7. Section 1, chapter 17, Laws of 1961 (House Bill No. 8) and RCW 89.08.080 are each amended to read as follows:

Soil and water conservation districts. Petition to form— Contents.

To form a soil and water conservation district, twenty-five or more persons owning land within the area to be affected may file a petition with the com-

mittee asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the committee determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the committee may consolidate all or any of them.

SEC. 8. Section 12, chapter 304, Laws of 1955 and RCW 89.08.120 are each amended to read as follows:

RCW 89.08.120 amended.

The committee shall provide the ballots for the election which shall contain the words

Ballots.

“ For creation of a soil and water conservation district of the lands below described and lying in the county or counties of _____, _____ and _____,”
and

“ Against creation of a soil and water conservation district of the lands below described and lying in the county or counties of _____, _____ and _____.”

The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter’s choice.

SEC. 9. Section 17, chapter 304, Laws of 1955 and RCW 89.08.170 are each amended to read as follows:

RCW 89.08.170 amended.

If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that

Secretary of state’s certificate—Change of name.

fact to the committee, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a soil and water conservation district may be changed upon recommendation by the supervisors of a district and approval by the state soil and water conservation committee and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

RCW 89.08.180 amended.

SEC. 10. Section 18, chapter 304, Laws of 1955 and RCW 89.08.180 are each amended to read as follows:

Annexation of territory—Boundary change—Combining two or more districts.

Territory may be added to an existing district upon filing a petition as in the case of formation with the committee by owners and tenants of the lands to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the committee may upon the petition of a majority of the owners of land and tenants in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the committee may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing

and/or a referendum may be held if deemed necessary or desirable by the committee in order to determine the wishes of landowners and tenants.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. One supervisor shall be elected each year. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the committee will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the committee.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the committee. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

SEC. 11. Section 6, chapter 187, Laws of 1939 as amended by section 19, chapter 304, Laws of 1955 and RCW 89.08.190 are each amended to read as follows:

RCW 89.08.190
amended.

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the committee, petitions may be filed with the committee to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district voters, and a voter may sign petitions nominating more than one person. If less than twenty-five voters reside in the district, petitions signed by a majority of the voters will be accepted.

Nomination
and election of
supervisors—
Annual meet-
ing of voters.

In the case of a new district, the committee shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the committee. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared elected.

Each year after the creation of the first board of supervisors, at a time fixed by resolution of the board, the board, by giving due notice, shall call an annual meeting of the voters in the district and present an annual report and financial statement and shall hold an election. Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The committee shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials during the annual meeting, subject to official canvass of ballots by the committee. Supervisors elected shall take office at the first board meeting which shall be held within thirty days following the election.

RCW 89.08.200
amended.

SEC. 12. Section 21, chapter 304, Laws of 1955 and RCW 89.08.200 are each amended to read as follows:

The term of office of each supervisor shall be three years and until his successor is appointed or

elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

Supervisors—
Terms, vacancies,
removal,
etc.—Com-
pensation.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state soil and water conservation committee. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation. A supervisor may be removed by the state soil and water conservation committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chairman from time to time.

SEC. 13. Section 23, chapter 304, Laws of 1955 and RCW 89.08.220 are each amended to read as follows:

RCW 89.08.220
amended.

A district shall constitute a body corporate, exercising public powers, but shall not levy taxes or issue bonds.

Corporate
status and
powers of
district.

A district may:

(1) Conduct, in cooperation with the Washington State University and any state or federal agency, surveys relating to water and to the character of soil erosion and control measures needed within the

district; publish the results thereof; and disseminate the information concerning such measures;

(2) Conduct demonstrational projects within the district on lands or waters controlled by any state agency in cooperation with such agency and on other lands or waters within the district with the consent of the owner thereof, in order to demonstrate how soil or water and soil and water resources may be conserved and soil erosion prevented and controlled;

(3) Carry out preventative and control measures, such as engineering operations, methods of cultivation, growing of vegetation or changes in water use or land use on land or water within the district, with the consent and cooperation of the person or agency owning it or in control thereof;

(4) Cooperate or enter into agreements with any agency or landowner or tenant and furnish financial or other aid in carrying on erosion control and preventive operations within the district, as the board deems necessary to carry out the purposes of this chapter;

(5) Obtain options upon and acquire in any manner, except by condemnation, any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes;

(6) Make available to landowners and tenants in the district, agricultural and engineering equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to conserve their water and soil resources and prevent and control soil erosion;

(7) Develop detailed comprehensive plans for the conservation of water and soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;

(8) Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

SEC. 14. Section 14, chapter 187, Laws of 1939 and RCW 89.08.340 are each amended to read as follows:

RCW 89.08.340
amended.

The state and any subdivision thereof owning or controlling lands or operating within a district may cooperate with the district in carrying out its program and may transfer or allocate such funds as may be required for this purpose.

Intergovern-
mental co-
operation—
Transfer,
allocation of
funds.

Passed the House February 20, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 241.

[Sub. H. B. 421.]

SCHOOL BOARDS—TEACHERS' CONTRACTS—APPEALS.

AN ACT relating to education; and amending section 3, chapter 68, Laws of 1955 and RCW 28.67.070; amending section 1, page 362, Laws of 1909 and RCW 28.88.010, and adding new sections to chapter 28.58 RCW.

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

RCW 28.67.070
amended.

SECTION 1. Section 3, chapter 68, Laws of 1955 and RCW 28.67.070 are each amended to read as follows:

Teachers—
Conditions and
contracts of
employment
—Nonrenewal
of contracts
of school
personnel.

No teacher shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate.

The board shall make with each teacher employed by it a written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the school district clerk or secretary, and the other shall be delivered to the teacher, after having been approved and registered by the county superintendent.

Every teacher, principal, supervisor, or superintendent holding a position as such with a school district, hereinafter referred to as "employee", whose employment contract is not to be renewed by the district for the next ensuing term shall be notified in writing on or before April 15th preceding the commencement of such term of the decision of the board of directors not to renew his employment which notification shall specify sufficient cause or causes for nonrenewal of contract. Such notice shall be served upon the employee by certified or registered mail, or to the teacher personally, or by leaving a copy of the notice at the house of his usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not the facts constitute sufficient cause for nonrenewal of contract. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of

such request, and shall at least three days prior to the date fixed for the hearing notify the employee in writing of the date, time and place of hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall, within five days following the conclusion of such hearing, notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the cause or causes for nonrenewal specified in the notice to the employee and proved and established at the hearing. If such notification and opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term: *Provided*, That in union high school districts the written notification and opportunity for hearing shall be given on or before April 30th preceding the commencement of the next ensuing term.

SEC. 2. There is added to chapter 28.58 RCW a new section to read as follows:

Every board of directors determining that there is probable cause for the discharge of a teacher, principal, supervisor, or superintendent shall notify such employee of its decision, which notification shall specify the probable cause for discharge. Every such employee so notified shall, at his or her request made in writing and filed with the clerk or secretary of the board of directors of the district within ten days after receiving such notice, be granted opportunity for hearing before the board of directors of the district, to determine whether or not there is cause for

New section.
Notice of probable cause for discharge.

Request for hearing.

Notice of
hearing—
Hearing.

discharge. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and shall at least three days prior to the date fixed for the hearing notify such employee in writing of the date, time and place of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors shall within five days following the conclusion of such hearing notify such employee in writing of its final decision. Any decision to discharge such employee shall be based solely upon the cause for discharge specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause for discharge.

Notice of final
decision.

In the event such notice and opportunity for hearing is not timely given by the district, or in the event cause for discharge is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee shall be discharged.

New section.

SEC. 3. There is added to chapter 28.58 RCW a new section to read as follows:

Appeal from
action of board
upon contract
—Procedure.

Any teacher, principal, supervisor or superintendent desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge, or failure to renew that employee's contract for the next ensuing term, may, within thirty days after his receipt of such decision or order serve upon the clerk of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall also set forth in a clear and concise manner the errors complained of.

New section.

SEC. 4. There is added to chapter 28.58 RCW a new section to read as follows:

The clerk of the superior court shall, within ten days of his receipt of the notice of appeal notify in writing the clerk of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct.

Notice of appeal—
Transcript to be filed.

SEC. 5. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

Any appeal to the superior court by teacher, principal, supervisor or superintendent shall be heard de novo by the superior court. Such appeal shall be heard expeditiously.

Appeal heard de novo.

SEC. 6. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

The court in its discretion may award to a teacher, principal, supervisor or superintendent a reasonable attorney's fee for the preparation and trial of his appeal, together with his taxable costs in the superior court.

Attorney's fee, costs, allowable.

SEC. 7. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

Either party to the proceedings in the superior court may appeal the decision to the supreme court of this state as any other civil action is appealed.

Appeal to supreme court—
Procedure.

SEC. 8. There is added to chapter 28.58 RCW a new section to read as follows:

New section.

The provisions of chapter 28.88 RCW shall not be applicable to this chapter.

Chapter 28.88 RCW inapplicable.

SEC. 9. Section 1, page 362, Laws of 1909, and RCW 28.88.010 are each amended to read as follows:

RCW 28.88.010 amended.

Any person, or persons, other than teachers, principals, supervisors and superintendents, either severally or collectively, aggrieved by any decision or order of any school officer or school board may, within thirty days after the rendition of such deci-

Appeals from decisions—
Time limitation.

sion or order, or of the failure to act upon the same when properly presented, appeal the same to the proper officer or board as hereinafter provided. Appeals by teachers, principals, supervisors or superintendents from the actions of school boards shall be governed by the provisions of chapter 28.58 RCW.

Severability.

SEC. 10. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 2, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 242.

[H. B. 514.]

WATER DISTRICTS COMMISSIONERS ASSOCIATION.

AN ACT relating to water districts; providing for the association of water district commissioners; and adding a new section to chapter 57.08 RCW.

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

New section.

SECTION 1. There is added to chapter 57.08 RCW a new section to read as follows:

Association of water district commissioners authorized.

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as

they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: *Provided*, That the aggregate contributions made to the association by the district in any calendar year shall not exceed one-tenth of one mill of the tax valuation of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Payment of expenses of association.

Financial records to be audited.

Passed the House February 27, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 243.

[H. B. 546.]

RAILROAD CARS—FOREST PRODUCTS—WEIGHING.

AN ACT relating to weighing of railroad cars loaded with lumber, shingles and other forest products; and repealing section 81.56.090, chapter 14, Laws of 1961, and RCW 81.56.090.

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

SECTION 1. Section 81.56.090, chapter 14, Laws of 1961 and RCW 81.56.090 are each repealed. Repeal.

Passed the House February 25, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 244.

[Sub. H. B. 140.]

AGRICULTURAL PESTICIDES.

AN ACT relating to agricultural pesticides; providing penalties; adding a new chapter to chapter 11, Laws of 1961 (House Bill No. 1) and to Title 15 RCW; and repealing section 15.56.010 through 15.56.190, chapter 11, Laws of 1961 (House Bill No. 1) and chapter 15.56 RCW.

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

Legislative declaration.

SECTION 1. The formulation, distribution and sale of any agricultural pesticide and the dissemination of accurate scientific information as to the proper use, or nonuse, of any agricultural pesticide, is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be a business affected with the public interest. The provisions of this act are enacted in the exercise of the police powers of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

Definitions.

SEC. 2. For the purposes of this act:

"Department".

(1) "Department" means the department of agriculture of the state of Washington.

"Director".

(2) "Director" means the director of the department or his duly appointed representative.

"Person".

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent or employee thereof. This term shall import either the singular or plural as the case may be.

"Agricultural pest".

(4) "Agricultural pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

(5) "Agricultural pesticide" hereafter referred to as pesticide, means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used. "Agricultural pesticide".

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate agricultural pests or to destroy, control, repel, or mitigate fungi, nematodes or such other agricultural pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom. "Device".

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi. "Fungicide".

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest. "Rodenticide".

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed. "Herbicide".

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, re- "Insecticide".

pel, or mitigate any insects which may be present in any environment whatsoever.

"Nematocide". (11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

"Plant regulator". (12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments.

"Defoliant". (13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

"Desiccant". (14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

"Weed". (15) "Weed" means any plant which grows where not wanted.

"Insect". (16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

"Fungi". (17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

(18) "Snails or slugs" include all harmful agricultural mollusks. "Snails or slugs".

(19) "Nematode" means any of the nonsegmented roundworms harmful to agricultural plants. "Nematode".

(20) "Ingredient statement" means either: "Ingredient statement".

(a) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; or

(b) A statement of the name of each active ingredient, together with the name of each, and total percentage of, inert ingredients, if any there be, in the pesticide (except option (a) shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this act); and, in addition to (a) and (b) in case the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(21) "Active ingredient" means: "Active ingredient".

(a) In the case of a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, control, or mitigate agricultural pests, or other pests;

(b) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;

(c) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;

(d) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(22) "Inert ingredient" means an ingredient which is not an active ingredient. "Inert ingredient".

(23) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment. "Antidote".

"Registrant". (24) "Registrant" means the person registering any agricultural pesticide pursuant to the provisions of this act.

"Label". (25) "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device.

"Labeling". (26) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers;

(b) Accompanying the pesticide, or referring to it in any other media used to disseminate information to the public;

(c) To which reference is made on the label or in literature accompanying or referring to the pesticide or device, except when accurate nonmisleading reference is made to current official publications of the department, United States departments of agriculture and interior, the United States public health service, state experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

"Highly toxic". (27) "Highly toxic" means highly toxic as defined in Title 7, Code of Federal Regulations 362.8 and as interpreted in Agricultural Research Service, Service and Regulatory Announcements No. 167 as issued and amended on the effective date of this act: *Provided*, That the director may adopt, subsequent to a hearing, any amendment to such definition and interpretation prescribed by the secretary of the United States department of agriculture.

"Commercial quantity". (28) "Commercial quantity" means pesticides placed in containers or packaged in amounts over five pounds dry weight or one gallon liquid measure.

"Restricted use pesticide". (29) "Restricted use pesticide" means any pesticide which the director has found and determined

subsequent to hearing under the provisions of the pesticide applicators act as enacted or hereafter amended, to be injurious to persons, pollinating insects, bees, animals, crops or lands other than the agricultural pests it is intended to prevent, destroy, control or mitigate.

(30) "Engage in the business" means any sale, or to hold for sale, or offer for sale, at any time, any pesticide in commercial quantities or any highly toxic pesticide in any amount.

"Engage in the business".

SEC. 3. The term "adulterated" shall apply to any pesticide if its strength or purity deviates from the professed standard or quality as expressed on its labeling or under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.

"Adulterated" to apply, when.

SEC. 4. The term "misbranded" shall apply:

"Misbranded" to apply, when.

(1) To any pesticide or device if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(2) To any pesticide:

(a) If it is an imitation of or is offered for sale under the name of another pesticide;

(b) If its labeling bears any reference to registration under the provisions of this act;

(c) If the labeling accompanying it does not contain directions for use which are necessary and which if complied with would be adequate for the protection of the public;

(d) If the label does not contain a warning or caution statement which may be necessary and which if complied with would be adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(e) If the label does not bear an ingredient statement on that part of the immediate container and

on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase: *Provided*, That the director may permit the ingredient statement to appear prominently on some other part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is presented or displayed under customary conditions of purchase:

(f) If any word, statement or other information required by or under authority of the provisions of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling), and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase or;

(g) If in the case of an insecticide, nematocide, fungicide, or herbicide when used as directed or in accordance with commonly recognized practice it shall be injurious to living man or other vertebrate animals, or vegetation, except weeds, to which it is applied, or to the person applying such pesticide; or

(h) If in the case of a plant regulator, defoliant, or desiccant when used as directed it shall be injurious to living man or other vertebrate animals, or vegetation to which it is applied, or to the person applying such pesticide: *Provided*, That physical or physiological effects on plants or parts thereof shall not be deemed to be injurious, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied, in accordance with the label claims and recommendations.

(3) To a spray adjuvant when the label fails to state the type or function, and the names of the principal functioning agents. If more than three

such agents are present, only the three principal ones need be named. A pesticide sold only as a spray adjuvant shall not be construed to be misbranded if the total percentage of the constituents ineffective as a spray adjuvant is stated on the label without the mention of the terms "active ingredient" or "inert ingredient" in lieu of one of the options required by section 2, subsection 14 of this act.

SEC. 5. All rules adopted under the provisions of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

Chapter 30.04
RCW applica-
ble to adoption
of rules.

SEC. 6. The director shall administer and enforce the provisions of this act and rules adopted hereunder subject to hearings as provided in chapter 34.04 RCW as enacted or hereafter amended.

Rules, scope—
Enforcement.

(1) The director shall adopt rules pursuant to section 5 of this act:

(a) Governing the sale or prohibiting the sale of any pesticide which subsequent to a hearing he finds to be an injurious pesticide.

(2) The director may adopt rules, pursuant to section 6 of this act, which shall include but not be limited to the following rules:

(a) Declaring as an agricultural pest any form of plant or animal life or virus which is injurious to any plant, man, domestic animal, article or substance.

(b) Determining that certain pesticides are highly toxic to man even though such pesticides are not within the scope of the definition of highly toxic, as defined in section 2, subsection 27 of this act.

(c) Establishing standards of coloring or discoloring for any pesticide including pesticides subject to the requirements of section 20, subsection 4 of this act.

(d) Concerning safety in the distribution and sale of all pesticides and devices required to be registered under the provisions of this act.

(3) For the purpose of this section the director may adopt rules in conformity with the primary standards established by the United States department of agriculture or any other federal agency, with respect to pesticides.

(4) The director shall publish a list of all pesticides within the scope of the definition of highly toxic, as defined in section 2, subsection 27 of this act and as prescribed by rule under subsection 2(b) of this section, by their generic name, or trade or brand name of the registered formulation in which they are included. Such list shall be kept current and shall, upon request, be made available to any interested party.

Right to deny, suspend or revoke license, grounds.

SEC. 7. The director is authorized to deny, suspend, or revoke any license, registration or permit provided for in this act subject to a hearing, in any case in which he finds there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder. All hearings for the suspension, denial or revocation of such license, registration or permit shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning contested cases.

Hearings subject to chapter 34.04 RCW.

Subpoenas.

SEC. 8. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents and records in the county in which the person licensed under this act resides in any hearing affecting the authority or privilege granted by a license, registration or permit issued under the provisions of this act. Witnesses shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW, as enacted or hereafter amended.

Witness fees.

License to sell pesticides.

SEC. 9. It shall be unlawful for any person to engage in the business of selling, offering for sale, or holding for sale any pesticide in commercial quantities or highly toxic pesticides in any amount with-

out first having obtained an annual license from the director which shall expire on the final day of February. A license shall be required for each location or outlet from which such pesticides are sold or held for sale or offered for sale. Application for a license shall be accompanied by a ten dollar annual license fee and shall be on a form prescribed by the director and shall include the full name of the person applying for such license. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant, and any other necessary information prescribed by the director: *Provided*, That the provisions of this section shall not apply to a pesticide applicator who sells agricultural pesticides only as an integral part of his pesticide application service when such pesticides are dispensed only through apparatuses used for such pesticide applicator: *Provided further*, That fertilizers which are sold as and are primarily plant nutrients containing pesticides only in part shall not be subject to the licensing provisions of this section, when sold only for home use in packages of fifty pounds or less.

Application
—Fee.

Exemptions.

SEC. 10. If an application for renewal of a pesticide license is not filed on or prior to March 1st of any one year subsequent to March 1, 1961, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not sold or held for

Penalty for
late license
renewal.

sale or offered for sale any pesticide subject to section 9 of this act subsequent to the expiration of his prior license.

License fee prorated.

SEC. 11. The director shall prorate the license fee required under the provisions of this act from the effective date of this act to the final day of February 1962. Such license fee shall not be prorated for any subsequent license period.

Registration of pesticides—Renewal.

SEC. 12. Every pesticide which is distributed, sold, offered for sale, or held for sale within this state or delivered for transportation or transported in intra-state commerce or between points within this state through any point outside this state shall be registered with the director subject to the provisions of this act. Such registration shall be renewed annually prior to January 1st: *Provided*, That registration is not required in the case of a pesticide shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at such plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of this act.

Exemptions.

Registration statement, contents.

SEC. 13. The registrant shall file a statement with the department, on a form prescribed by the director, which shall include the following:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant's.

(2) The name of the pesticide.

(3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions and precautions for use.

(4) If requested by the director a full description of the tests made and the results thereof upon which the claims are based.

(5) Any other necessary information prescribed by the director.

SEC. 14. Any person desiring to register a pesticide with the department shall pay to the director an annual registration fee of ten dollars for the first pesticide so registered and ten dollars for each additional pesticide registered by the department for such person. All such registrations shall expire on December 31st of any one year.

Registration
fee—
Expiration.

SEC. 15. If the renewal of a pesticide registration is not filed prior to January 1st of any one year a penalty of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he did not sell, offer for sale or handle such unregistered pesticide during the period of nonregistration. The payment of such fee or penalty is not a bar to any prosecution for doing business without proper registry.

Penalty for
late registra-
tion.

SEC. 16. All federal, state and county offices shall register without fee all pesticides sold at cost by them and they shall not be subject to the license provisions of section 9 of this act.

Public offices
register with-
out fee.

SEC. 17. The director, when he deems it necessary in the administration of this act, may require the submission of the complete formula of any pesticide. If it appears to the director that the composition of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of section 20 of this act he shall register the pesticide.

Standard for
registration.

SEC. 18. If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this act he shall notify

Registration,
notice of
failure to
comply.

Registration under protest.

Hearing on registration determination.

Registration under protest, initiation of by director—Procedure.

Unlawful acts relating to pesticides.

the registrant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of this act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered, the director shall register the pesticide under protest. Such registration under protest shall be accompanied by a warning in writing to the registrant of the apparent failure of the pesticide to comply with the provisions of this act. If such pesticide is not brought into compliance within thirty days from the date of issuance of the registration under protest, the director shall provide for a hearing as set forth in section 7 of this act to determine if the registration of such pesticide should be allowed without protest or whether such registration should be suspended or revoked.

SEC. 19. The director may on his own motion, in order to protect the public subsequent to the registration of any pesticide, suspend such registration and in lieu thereof on the same date issue a registration under protest. If such pesticide is not brought into compliance within thirty days from the date of issuance of the registration under protest, the director shall provide for a hearing as set forth in section 7 of this act to determine if the registration of such pesticide should be reinstated as a registration not under protest or whether such registration should be suspended or revoked.

SEC. 20. It is unlawful for any person acting for himself or as an agent, to distribute, sell or offer for sale within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any pesticide which has not been registered pursuant to the provisions of sections 12, 13, 14, 15, 16, 17, 18 and 19 of this act or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration: *Provided*, That at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.

(2) Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant or person for whom manufactured.

(b) The name, brand or trademark under which the pesticide is sold.

(c) The weight or measure of the content subject to the provisions of chapter 19.93 RCW (state weights and measures act) as enacted or hereafter amended.

(3) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 2, subsection 27 or section 6 of this act unless the label bears, in addition to any other matter required by this act:

(a) The skull and crossbones;

(b) The word "poison," prominently in red on a background of distinctly contrasting color;

(c) A statement of an antidote for the pesticide.

(4) The pesticides commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite,

sodium fluoride, sodium fluosilicate and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act, or any other white powder pesticide which the director, after investigation and after public hearing on the necessity for such action for the protection of the public health and upon the feasibility of such coloration or discoloration, requires by rule that it be distinctly colored or discolored, unless it has already been so colored or discolored. The director may exempt any pesticide to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

(5) Any pesticide which is adulterated or misbranded, or any device which is misbranded.

Further unlawful acts relating to pesticides.

SEC. 21. It shall be unlawful:

(1) To sell or deliver any restricted use pesticide to any person who is required by law or rules promulgated under such law to have a permit to use or purchase such restricted use pesticide unless such person or his agent, to whom sale or delivery is made, has a valid permit to use or purchase the kind and quantity of such restricted use pesticide sold or delivered: *Provided*, That such permit may be obtained immediately prior to sale or delivery from any person designated by the director.

(2) For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this act or rules adopted under this act, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purposes of this act.

(3) For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of the state or to the courts of

the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 17 of this act.

SEC. 22. Any person issued a license, or permit under the provisions of this act may be required by the director to keep accurate records on a form prescribed by him, containing the following information:

Records by licensees, permittees.

(1) The delivery, movement or holding of any pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee, and any other information, necessary for the enforcement of this act, as prescribed by the director. The director shall have access to such records at any reasonable time to copy or make copies of such records for the purpose of carrying out the provisions of this act.

SEC. 23. The penalties provided for violations of section 20 of this act shall not apply to:

Persons exempted from penalties provided for violations of section 20 of act.

(1) Any carrier while lawfully engaged in transporting a pesticide within the state, if such carrier, upon request, permits the director to copy all records showing the transaction in and movement of the articles.

(2) Public officials of the state and the federal government engaged in the performance of their official duties.

(3) The manufacturer or shippers of pesticides for experimental use only.

(a) By or under the supervision of an agency of the state or of the federal government authorized by law to conduct research in the field of pesticides.

(b) By others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only—Not to be sold," together with the manufacturer's name and address.

If a written permit has been obtained from the director, pesticides may be sold for experimental purposes subject to restrictions and conditions set forth in the permit.

Pesticides for export exempt.

SEC. 24. No pesticides shall be deemed in violation of this act when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this act shall apply.

Sections 26 and 27 of act to apply, when.

SEC. 25. When the director finds from investigation made by him, that any pesticide or device being distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce does not meet the requirements of this act as follows, he shall take the action prescribed by section 26 and 27 of this act.

(1) In the case of a pesticide:

(a) If it is adulterated or misbranded;

(b) If it has not been registered under the provisions of sections 12, 13, 14, 15, 16, 17, 18, and 19 of this act;

(c) If it fails to bear on its label the information required by this act;

(d) If it is a white powder pesticide and is not colored as required under this act.

(2) In the case of a device, if it is misbranded.

Procedure upon happening of facts set out in section 25 of act.

SEC. 26. Upon the discovery of any of the facts set forth in section 25 of this act:

(1) The director may issue and serve a written "stop sale, use or removal" order upon the owner or custodian of any pesticide or device which he finds to be adulterated or misbranded within the meaning of this act. The pesticide or device shall not be sold, used or removed until the provisions of this act have been complied with and the pesticide or device has been released in writing by the director or the violation has been otherwise disposed of as

provided in this act by a court of competent jurisdiction.

(2) If upon discovery by the director of any adulterated or misbranded pesticide or device, the owner or custodian is not available for service of the order upon him, the director may attach the order to the pesticide or device and the pesticide or device shall not be sold, used or removed until the provisions of this act have been complied with and the pesticide or device has been released in writing by the director or the violation has been otherwise disposed of as provided in this act by a court of competent jurisdiction.

SEC. 27. (1) After service is made upon any person of a stop sale, use or removal order, either that person or the director may file an action in the superior court of the county in which a violation of this act is alleged to have occurred for an adjudication of the alleged violation. The court in such action may issue temporary or permanent injunctions, mandatory or restraining, and such intermediate orders as it deems necessary or advisable. The court may order condemnation of any pesticide or device which does not meet the requirements of this act.

—Continued.

(2) If the pesticide is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court directs, and the proceeds, if such pesticide is sold, less legal costs, shall be paid to the state treasury as provided in section 35 of this act. Upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the pesticide shall not be disposed of unlawfully, the court may direct that the pesticide be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(3) When a decree of condemnation is entered against the pesticide, court costs, fees and storage and other proper expenses shall be awarded against

the person, if any, appearing as claimant of the pesticide.

Examination to determine compliance under act.

SEC. 28. The examination of pesticides or devices shall be made under the direction of the director for the purpose of determining whether or not they comply with the requirements of this act. If it appears from such examination that a pesticide or device fails to comply with the provisions of this act, and the director contemplates instituting criminal proceedings against any person, the director shall cause notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director it appears that the provisions of the act have been violated by such person, the director shall refer to the prosecuting attorney for the county in which the violation occurred a copy of the results of the analysis or the examination of such pesticide.

Notice if criminal proceedings contemplated.

Presentation of views.

Referral to prosecuting attorney.

Imposition of penalties, discretionary.

SEC. 29. Nothing in this act shall be construed as requiring the director to report for prosecution or for the institution of condemnation proceedings minor violations of this act when he believes that the public interests will be best served by a suitable notice of warning in writing.

Penalty for violation of section 20 (1) of act.

SEC. 30. Any person violating section 20, subsection 1 of this act is guilty of a misdemeanor punishable by a fine of not less than one hundred nor more than three hundred dollars.

Penalty for violations other than section 20 (1).

SEC. 31. Any person violating any provisions of this act other than section 20, subsection 1 of this act is guilty of a misdemeanor. In any instance where a registrant was issued a warning in writing by the director pursuant to the provisions of this act, such registrant shall upon conviction of a violation of any provision of this act other than section 20, subsection

1 of this act be punished by a fine of not less than five hundred nor more than one thousand dollars, by imprisonment in the county jail for not more than one year, or both.

SEC. 32. The registration of any pesticide with reference to which a conviction of a violation of this act occurred shall terminate automatically. A pesticide, the registration of which has been terminated, may not again be registered unless the pesticide, its labeling and other material required to be submitted appear to the director to comply with all the requirements of this act.

Termination of registration upon conviction of violation—Re-registration.

SEC. 33. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule made pursuant to this act in the superior court of the county in which such violation occurs or is about to occur.

Injunctive action—Venue.

SEC. 34. No person charged with the enforcement of any provision of this act shall be directly or indirectly interested in the sale, manufacture or distribution of any pesticide or device.

Standard for enforcement officials.

SEC. 35. All moneys received by the director under the provisions of this act shall be paid into the state treasury.

Disposition of moneys.

SEC. 36. The director is authorized to cooperate with and enter into agreements with any other agency of the state, the United States, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulation.

Intergovernmental cooperation.

SEC. 37. The license provisions of this act shall not apply to any pharmacist who is licensed pursuant to chapter 18.64 RCW and does not sell, offer for sale or hold for sale any pesticide required to be registered under the provisions of this act.

Licensing provisions not applicable to pharmacists.

SEC. 38. The enactment of this act shall not have the effect of terminating, or in any way modifying,

Savings—Liability.

any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

Savings—
Registrations.

SEC. 39. Any registration issued under the provisions of chapter 15.56 RCW and in effect on the effective date of this act shall continue in full force and effect until its expiration date, as if it has been issued under the provisions of this act, unless revoked prior thereto for cause by the director.

Short title.

SEC. 40. This act may be cited as the Washington pesticide act.

Severability.

SEC. 41. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal.

SEC. 42. Sections 15.56.010 through 15.56.190, chapter 11, Laws of 1961 (House Bill No. 1) and RCW 15.56.010 through 15.56.190 are each repealed.

New chapter.

SEC. 43. The provisions of this act are added as a new chapter to chapter 11, Laws of 1961 (House Bill No. 1) and to Title 15, RCW.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 245.

[H. B. 184.]

CITIES AND COUNTIES—AGREEMENTS TO CONSTRUCT,
MAINTAIN CITY STREETS.

AN ACT relating to cities and counties; authorizing agreements for construction and maintenance of city streets by counties; and adding a new section to chapter 36.75 RCW.

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

SECTION 1. Any city or town may enter into an agreement with the county in which it is located authorizing the county to perform all or any part of the construction, repair, and maintenance of streets in such city or town at such cost as shall be mutually agreed upon. The agreement shall be approved by ordinance of the governing body of the city or town and by resolution of the board of county commissioners.

Construction and maintenance of streets by county, city or town may contract for.

Agreement contents, approval.

Any such agreement may include, but shall not be limited to the following:

(1) A provision that the county shall perform all or a specified part of the construction, repair, or maintenance of the city or town streets and bridges to the same standards provided by the county in unincorporated areas, or to increased standards as shall be specified which may include construction, repair, or maintenance of drainage facilities including storm sewers, sidewalks and curbsings, street lighting, and traffic control devices.

(2) A provision that the county may provide engineering and administrative services necessary for the planning, establishment, construction, and maintenance of the streets of the city or town, including engineering and clerical services necessary for the establishment of local improvement districts. In providing such services the county engineer may exercise all the powers and perform all the duties vested by law or by ordinance in the city or town engineer or other officer or department charged with street administration.

(3) A provision that the city or town shall enact ordinances for the administration, establishment, construction, repair, maintenance, regulation, and protection of its streets as may be necessary to authorize the county to lawfully carry out the terms of the agreement.

SEC. 2. There is added to chapter 36.75 RCW a new section. to read as follows:

Construction, maintenance of city or town streets by county.

Funds for—Repayment—Procedure.

Competitive bidding, when.

Act as additional method.

Pursuant to an agreement authorized by section 1, the board of county commissioners may expend funds from the county road fund for the construction, repair, and maintenance of the streets of such city or town and for engineering and administrative services. Payments by a city or town under such an agreement shall be made to the county treasurer and by him deposited in the county road fund. Such construction, repair, maintenance, and engineering service shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as provided for the construction, repair, and maintenance of county roads by counties, and for the preparation of maps, plans and specifications, advertising and award of contracts therefor: *Provided*, That except in case of emergency all construction work performed by a county on city streets pursuant to this act, which exceeds ten thousand dollars, shall be done by contract, unless after advertisement and solicitation of competitive bids it appears that bids are unobtainable or that the lowest bid exceeds the amount for which such construction can be done by means other than contract. No street construction project shall be divided into lesser component parts for the purpose of avoiding the requirements for competitive bidding.

SEC. 3. This act shall not repeal, amend, or modify any law providing for joint or cooperative agreements between cities and counties with respect to city streets, but shall be held to be an additional and concurrent method providing for such purpose.

Passed the House February 28, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 246.

[H. B. 196.]

CODE REVISER—POWERS—PUBLICATIONS ACCOUNT.

AN ACT relating to the codification and publication of statutes; amending section 4, chapter 257, Laws of 1953 and RCW 1.08.015, adding a new section to chapter 157, Laws of 1951 and to chapter 1.08 RCW, and declaring an emergency.

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

SECTION 1. Section 4, chapter 257, Laws of 1953 and RCW 1.08.015 are each amended to read as follows:

RCW 1.08.015 amended.

Subject to such general policies as may be promulgated by the committee and to the general supervision of the committee, the reviser shall:

Codification and revision of laws—Scope of revision.

(1) Codify for consolidation into the Revised Code of Washington all laws of a general and permanent nature heretofore or hereafter enacted by the legislature, and assign permanent numbers as provided by law to all new titles, chapters, and sections so added to the revised code.

(2) Edit and revise such laws for such consolidation, to the extent deemed necessary or desirable by the reviser and without changing the meaning of any such law, in the following respects only:

(a) Make capitalization uniform with that followed generally in the revised code.

(b) Make chapter or section division and subdivision designations uniform with that followed in the revised code.

(c) Substitute for the term "this act," where necessary, the term "section," "part," "code," "chapter," or "title," or reference to specific section or chapter numbers, as the case may require.

(d) Substitute for reference to a section of an "act," the proper code section number reference.

(e) Substitute for "as provided in the preceding section" and other phrases of similar import, the proper code section number references.

(f) Substitute the proper calendar date for "effective date of this act," "date of passage of this act," and other phrases of similar import.

(g) Strike out figures where merely a repetition of written words, and substitute, where deemed advisable for uniformity, written words for figures.

(h) Rearrange any misplaced statutory material, incorporate any omitted statutory material as well as correct manifest errors in spelling, and manifest clerical or typographical errors, or errors by way of additions or omissions.

(i) Correct manifest errors in references, by chapter or section number, to other laws.

(j) Correct manifest errors or omissions in numbering or renumbering sections of the revised code.

(k) Divide long sections into two or more sections, and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the revised code when to do so will not change the meaning or effect of such sections.

(l) Change the wording of section captions, if any, and provide captions to new chapters and sections.

(m) Strike provisions manifestly obsolete.

(3) Create new code titles, chapters, and sections of the Revised Code of Washington, or otherwise revise the title, chapter and sectional organization of the code, all as may be required from time to time, to effectuate the orderly and logical arrangement of the statutes. Such new titles, chapters, and sections, and organizational revisions, shall have the same force and effect as the ninety-one titles originally enacted and designated as the "Revised Code of Washington" pursuant to the code adoption acts codified in chapter 1.04 RCW.

New section.

SEC. 2. There is added to chapter 157, Laws of 1951 and to chapter 1.08 RCW, a new section to read as follows:

For the purposes of financing the production and sale of such of its publications as in the judgment of the Statute Law Committee may be advantageously financed by the use of revolving fund moneys, there is hereby created, and the committee is authorized to maintain, a revolving fund to be known as Statute Law Committee Publications Account. None of the provisions of RCW 43.01.050 shall be applicable to said fund nor to any moneys received or collected by the committee for publications financed by said fund.

Statute Law
Committee
Publications
Account
created.

All moneys shall be paid from said account by check or voucher in such form and in such manner as shall be prescribed by the committee.

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, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 247.

[H. B. 242.]

AGRICULTURE—PREDATORY BIRD CONTROL.

AN ACT authorizing the state department of agriculture to control birds injurious to agriculture.

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

SECTION 1. The director of the state department of agriculture may control birds which he determines to be injurious to agriculture, and for this purpose enter into written agreements with the federal and state governments, political subdivisions and agencies of such governments, political subdivisions and agencies of this state including

Control of
predatory
birds—Inter-
governmental
cooperation.

counties, municipal corporations and associations and individuals, when such cooperation will implement the control of predatory birds injurious to agriculture.

Director's powers.

SEC. 2. For the purpose of carrying out the provisions of this act the director may make expenditures and contract for personal services, control materials and equipment as required to carry out such predatory bird control functions.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 248.

[H. B. 309.]

OLD AGE ASSISTANCE—ELIGIBILITY.

AN ACT relating to the eligibility requirements of an applicant for old age assistance and amending section 74.08.030, chapter 26, Laws of 1959, and RCW 74.08.030.

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

RCW 74.08.030 amended.

SECTION 1. Section 74.08.030, chapter 26, Laws of 1959 and RCW 74.08.030 are each amended to read as follows:

Old age assistance eligibility requirements.

In addition to meeting the eligibility requirements of section 74.08.025, an applicant for old age assistance must be an applicant who:

(1) Has attained the age of sixty-five: *Provided*, That if an applicant for old age assistance is already on the assistance rolls in some other program or category of assistance, such applicant shall be considered eligible the first of the month immediately preceding the date on which such applicant will attain the age of sixty-five; and

(2) Has resided within the state of Washington for at least five years during the nine years immedi-

ately preceding the application and has resided herein continuously for one year immediately preceding the application.

Passed the House February 7, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 249.

[Sub. H. B. 146.]

AGRICULTURAL PESTICIDES.

AN ACT relating to the application of agricultural pesticides; providing penalties; and repealing section 2, chapter 120, Laws of 1945 as last amended by sections 1, 2, 3 and 4, chapter 261, Laws of 1953 and RCW 17.20.010 through 17.20.040, sections 3 and 4, chapter 120, Laws of 1945 and RCW 17.20.050 and 17.20.060 and section 5, chapter 61, Laws of 1951 and RCW 17.20.070.

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

SECTION 1. The application and the control of the use of various agricultural pesticides is important and vital to the maintenance of a high level of public health and welfare both immediate and future, and is hereby declared to be affected with the public interest. The provisions of this act are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health and welfare of the people of the state.

Legislative declaration.

SEC. 2. For the purposes of this act:

Definitions.

(1) "Department" means the department of agriculture of the state of Washington.

"Department".

(2) "Director" means the director of the department or his duly appointed representative.

"Director".

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer,

"Person".

agent or employee thereof. This term shall import either the singular or plural as the case may be.

"Agricultural pest".

(4) "Agricultural pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed and any form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest.

"Agricultural pesticide".

(5) "Agricultural pesticide" hereafter referred to as "pesticide," means, but is not limited to, (a) any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, snail, slug, fungus, weed and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest, and (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and (c) any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or effect thereof, and sold in a package or container separate from that of the pesticide with which it is to be used.

"Device".

(6) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate agricultural pests or to destroy, control, repel or mitigate fungi, nematodes or such other agricultural pests, as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.

"Fungicide".

(7) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any fungi.

(8) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate rodents or any other vertebrate animal which the director may declare to be a pest. "Rodenticide".

(9) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel or mitigate any weed. "Herbicide".

(10) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insects which may be present in any environment whatsoever. "Insecticide".

(11) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes. "Nematocide".

(12) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments. "Plant regulator".

(13) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission. "Defoliant".

(14) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues. "Desiccant".

(15) "Weed" means any plant which grows where not wanted. "Weed".

(16) "Insect" means any of the numerous small invertebrate animals whose bodies are more or less obviously segmented, and which for the most part belong to the class insects, comprising six - legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods. "Insect".

whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

"Fungi".

(17) "Fungi" means all nonchlorophyll-bearing thallophytes (that is, all nonchlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals.

"Snails or slugs".

(18) "Snails or slugs" include all harmful agricultural mollusks.

"Nematode".

(19) "Nematode" means any of the nonsegmented roundworms harmful to agricultural plants.

"Apparatus".

(20) "Apparatus" means any ground or water surface or aerial device used to apply any pesticide.

"Restricted use pesticide".

(21) "Restricted use pesticide" means any pesticide, including any highly toxic pesticide, which the director has found and determined, subsequent to a hearing, to be injurious to persons, pollinating insects, bees, animals, crops or lands other than the agricultural pests it is intended to prevent, destroy, control, or mitigate.

"Engage in business".

(22) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

"Forest land".

(23) "Forest land" means land bearing a merchantable stand of timber as defined in RCW 76.08-.010 or land being held for the production of forest products.

"Agricultural crop".

(24) "Agricultural crop" means a food intended for human consumption, or a food for livestock the products of which are intended for human consumption, which food shall require cultural treatment of the land for its production.

"Board".

(25) "Board" means the agricultural pesticide advisory board.

Administration—Enforcement—Rules, scope of.

SEC. 3. The director shall administer and enforce the provisions of this act and rules adopted hereunder.

(1) The director shall adopt rules:

(a) Governing the application and use, or prohibiting the use, or possession for use, of any pesticide which the director finds and determines to be injurious;

(b) Governing the time when, and the conditions under which restricted use pesticides shall or shall not be used in different areas, which areas may be prescribed by him, in the state;

(c) Providing that any or all restricted use pesticides shall be purchased, possessed or used only under permit of the director and under his direct supervision in certain areas and/or under certain conditions or in certain quantities of concentrations; however, any person licensed to sell such pesticides may purchase and possess such pesticides without a permit; and

(d) Providing that all permittees shall keep records as required of licensees under section 10 of this act.

(2) The director may adopt any other rules necessary to carry out the purpose and provisions of this act.

SEC. 4. All rules adopted under the provisions of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

Rules adopted
subject to
chapter 34.04
RCW.

SEC. 5. All hearings for the suspension, denial or revocation of a license issued under the provisions of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning contested cases.

Hearings
subject to
chapter 34.04
RCW.

SEC. 6. The director may issue subpoenas to compel the attendance of witnesses and/or production of books, documents, and records anywhere in the state in any hearing affecting the authority or privilege granted by a license or permit issued under the provisions of this act. Witnesses shall be entitled to

Subpoenas.

Witness fees.

fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended.

Pesticide applicator's license.

Fee.

SEC. 7. It shall be unlawful for any person to engage in the business of applying pesticides to the land of another without a pesticide applicator's license. Application for such a license shall be made on or before January 1st of each year. Such application shall be accompanied by a fee of fifty dollars and in addition thereto a fee of ten dollars for each apparatus, exclusive of one, of which the operator is not the source of power, used by the applicant in the application of pesticides: *Provided*, That the provisions of this section shall not apply to any person employed only to operate any apparatus used for the application of any pesticide, and in which such person has no financial interest or other control over such apparatus other than its day to day mechanical operation for the purpose of applying any pesticide.

Application for applicator's license, contents.

SEC. 8. Application for a pesticide applicator's license provided for in section 7 of this act shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for such license.

(2) If the applicant is an individual, receiver, trustee, firm, partnership, association, corporation, or any other organized group of persons whether incorporated or not, the full name of each member of the firm or partnership, or the names of the officers of the association, corporation or group.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person whose domicile is in the state, and who is authorized to receive and accept services of summons and legal notice of all kinds for the applicant.

(5) The model, make, horsepower, and size of any apparatus used by the applicant to apply pesticides.

(6) Any other necessary information prescribed by the director.

SEC. 9. The director shall not issue a pesticide applicator's license until the applicant if he is the sole owner of the business, or if there is more than one owner the person managing the business, has passed an examination to demonstrate to the director his knowledge of how to apply pesticides with the various apparatuses that he may have applied for a license to operate under the provisions of this act, and his knowledge of the nature and effect of pesticides used in such apparatuses: *Provided*, That the examination provisions of this section shall not apply, for one year after the effective date of this act, to persons licensed under chapter 17.20 RCW for the license period immediately preceding the effective date of this act.

Examination
requisite for
applicator's
license.

Exempted
persons.

SEC. 10. Pesticide applicators licensed under the provisions of this act shall keep records on a form prescribed by the director which shall include the following:

Licensed
applicators to
keep records.

(1) The name of the person for whom the pesticide was applied.

(2) The location of the land where the pesticide was applied.

(3) The year, month, day and time the pesticide was applied.

(4) The person or firm who supplied the pesticide which was applied.

(5) The trade name of the pesticide which was applied.

(6) The direction and estimated velocity of the wind at the time the pesticide was applied.

(7) Any other reasonable information required by the director.

(8) Such records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer, and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: *Provided*, That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

Pesticide operator's license.

SEC. 11. It shall be unlawful for any person to act as the operator directly in charge of any apparatus which is licensed under the provisions of this act for the application of any pesticide, without having obtained an operator's license from the director. Such an operator's license shall be in addition to any other license or permit required by law for the operation or use of any such apparatus. Any person applying for such an operator's license shall file an application on a form prescribed by the director on or before January 1st of each year. Such application shall state whether the applicant intends to operate either a ground or aerial apparatus, or both, for the application of pesticides. Application for a license to operate both aerial and ground apparatuses shall be accompanied by a license fee of twenty dollars. Application for a license to operate either a ground apparatus, or an aerial apparatus, but not both, shall be accompanied by a license fee of ten dollars: *Provided*, That the provisions of this section shall not apply to any individual who has passed the examination provided for in section 9 of this act.

Application, contents.

Fees.

Exempted persons.

Examination requisite for operator's license.

SEC. 12. The director shall not issue an operator's license before such applicant has passed an examination to demonstrate to the director his ability to apply pesticides with the various apparatuses that he may have applied for a license to operate, and

his knowledge of the nature and effect of pesticides used in such apparatuses. The director may renew any applicant's license subject to examination for new knowledge that may be required to apply pesticides with apparatuses the applicant has been licensed to operate.

SEC. 13. Any license provided for in this act shall expire on December 31st following issuance unless it has been revoked or suspended prior thereto by the director for cause.

Expiration date for licenses.

SEC. 14. If the application for renewal of any license provided for in this act is not filed prior to January 1st in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a pesticide applicator or operator subsequent to the expiration of his license.

Penalty for late renewal of licenses.

SEC. 15. The director may deny, suspend, or revoke a license provided for in this act if he determines that an applicant or licensee has committed any of the following acts, each of which is declared to be a violation of this act:

Denial, suspension, revocation of licenses, grounds.

(1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;

(2) Applied worthless or improper materials;

(3) Operated a faulty or unsafe apparatus;

(4) Operated in a faulty, careless, or negligent manner;

(5) Refused or neglected to comply with the provisions of this act, the rules adopted hereunder, or of any lawful order of the directors;

(6) Refused or neglected to keep and maintain the records required by this act, or to make reports when and as required;

- (7) Made false or fraudulent records or reports;
- (8) Operated an apparatus for the application of a pesticide without a licensed operator;
- (9) Operated an unlicensed apparatus;
- (10) Used fraud or misrepresentation in making an application for a license or renewal of a license;
- (11) Is not qualified to perform the type of agricultural pest control under the conditions and in the locality in which he operates or has operated, regardless of whether or not he has previously passed an examination provided for in sections 9 and 12 of this act.

Applicator's license, evidence of financial responsibility requisite for.

SEC. 16. The director shall not issue a pesticide applicator's license until the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond; or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant: *Provided*, That such surety bond or liability insurance policy need not apply to damages or injury to the crops, trees, pastures, or the like being worked upon by the applicant. The director shall not accept a surety bond or liability insurance policy except from authorized insurers in this state.

—Minimum amount—
Notice of reduction in.

SEC. 17. The amount of the surety bond or liability insurance as provided for in section 16 of this act shall be not less than twenty-five thousand dollars for property damage and public liability insurance, each separately, and including loss or damage arising out of the use of any pesticide. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified ten days prior to any reduction at the request of the applicant or cancellation, of such surety bond or liability insurance by the surety or insurer: *Provided*, That the total and aggregate of the surety and in-

surer for all claims shall be limited to the face of the bond or liability insurance policy.

SEC. 18. The director shall, whenever the licensee's surety bond or insurance policy has been reduced below the requirements of section 17 of this act, immediately suspend such licensee's license until such licensee's surety bond or insurance policy again meets the requirements of section 17 of this act.

—License suspension upon reduction of minimum amount.

SEC. 19. Any person suffering loss or damage resulting from the use or application by others of any pesticide must file with the director a verified report of loss setting forth, so far as known to the claimant, the following:

Claims for damage from application of pesticides. Contents.

(1) The name and address of the claimant.

(2) The type, kind, property alleged to be injured or damaged.

(3) The name of the person applying the pesticide and allegedly responsible.

(4) The name of the owner or occupant of the property for whom such application of the pesticide was made.

The report must be filed within sixty days from the time that the loss or damage becomes known to the claimant. If a growing crop is alleged to have been damaged, the report must be filed prior to harvest of fifty percent of that crop, unless the loss or damage was not then known.

—Filed—
Legal effect.

The filing of such report or the failure to file such a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action.

The failure to file such a report shall not be a violation of this act. However, if the person failing to file such report is the only one injured from such use or application of a pesticide by a pesticide applicator or operator, the director may refuse to hold a hearing for the denial, suspension, or revocation of

such pesticide applicator's or operator's license until such report is filed.

Farmer owner
as exemption
from license
requirements.

SEC. 20. The provisions of this act relating to licenses and requirements for their issuance shall not apply to any farmer owner of ground apparatus applying pesticides for himself or others on an occasional basis not amounting to a principal or regular occupation: *Provided*, That such owner shall not publicly hold himself out as a pesticide applicator.

Forest land
exclusion.

SEC. 21. The provisions of this act shall not apply to forest lands: *Provided*, That the director's rule making authority concerning restricted use pesticides which produce residues in violation of chapter 69.04 RCW as enacted or hereafter amended, and applicable penalties for the violation of such rules, provided for in this act, shall extend into forest lands for a distance of two thousand six hundred and forty feet and no further when such forest lands are adjacent to agricultural lands producing agricultural crops or products: *Provided further*, That when the director shall have exercised his rule making authority to include such forest lands, he shall forthwith notify the administrator of the department of natural resources of the regulations concerning such restricted use pesticides on such forest lands. If the administrator of natural resources should determine at any time that it is necessary to apply such restricted use pesticides on such forest lands in order to carry out his responsibility under the law to protect forest crops, he shall submit a proposal for application of such pesticides to the director. The administrator of natural resources and the director shall jointly consider such proposal to determine if such restricted use pesticides may be applied without contaminating agricultural crops on adjacent agricultural lands when used for food so as to be in violation of chapter 69.04 RCW as enacted or hereafter amended. If the administrator

of the department of natural resources and the director of agriculture are unable to agree upon such proposal, they shall select a third person, who shall be the chairman of the department of entomology of Washington State University, or the person acting in that capacity, and the three shall determine by majority vote whether the restricted use pesticides may be applied on such forest lands and under what conditions.

SEC. 22. (1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this act and rules adopted thereunder concerning the application of restricted use pesticides by any person on their own crops or land: *Provided*, That the operators in charge of any apparatuses used by any state agencies, municipal corporations and public utilities or any governmental agencies shall be subject to the provisions of section 11 of this act and the director shall issue a limited license without a fee to such operators which shall be valid only when such operators are acting as operators on apparatuses used by such entities.

Governmental agencies subject to act.

Limited operator's license.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Liability—Venue.

SEC. 23. There is hereby created an agricultural pesticide advisory board consisting of two licensed pesticide applicators residing in the state, one shall be licensed to operate ground apparatus and one licensed to operate aerial apparatus, one entomologist in public service, one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, the

Agricultural pesticide advisory board. Members.

Appointment and removal of members —Terms.

supervisor of the grain and chemical division of the department and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause: *Provided*, That at the inception of this act the governor shall appoint three members which shall not include two members from any one representative group; for a period of two years, three members for a period of three years which shall not include two members from any one representative group; and four members for a period of four years which shall not include two members from any one representative group. All subsequent terms for appointments to such board shall be for a period of four years.

Board vacancies, governor to fill.

SEC. 24. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill such vacancy, within thirty days of its creation, for the remainder of its term in the manner herein prescribed for appointment to the board.

Board powers.

SEC. 25. The board shall advise the director on any or all problems relating to the use and application of pesticides in the state.

Board chairman, meetings.

SEC. 26. The board shall elect one of its members chairman. The members of the board shall meet at such time and at such place as shall be specified by the call of the director, chairman or a majority of the board.

Expenses and per diem for board members.

SEC. 27. No person appointed to the board shall receive a salary or other compensation as a member of the board: *Provided*, That each member of the board shall receive traveling expenses and per diem

as prescribed by law for state employees for each day spent in actual attendance at or traveling to and from meetings of the board or special assignments for the board.

SEC. 28. All moneys collected under the provisions of this act shall be paid to the director for use exclusively in the enforcement of this act. All moneys held by the director for the enforcement of chapter 17.20 RCW shall be retained by him for the enforcement of this act.

Disposition of moneys.

SEC. 29. All licensed apparatuses shall be identified by a license plate furnished by the director, at no cost to the licensee, and shall be affixed in a location and manner upon such apparatus as prescribed by the director.

Licensed apparatuses to bear plates.

SEC. 30. The director is authorized to cooperate with and enter into agreements with any other agency of the state, the United States, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulation.

Intergovernmental cooperation.

SEC. 31. The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this act becomes effective.

Savings.

SEC. 32. Any license issued under the provisions of chapter 17.20 RCW and in effect on the effective date of this act, shall continue in full force and effect until its expiration date as if it had been issued under the requirements of section 9 of this act and satisfied all requirements for obtaining such license, unless revoked prior thereto for cause by the director subsequent to a hearing.

Savings—Licenses.

The director shall prorate the cost of any license provided for in this act for the license period beginning with the effective date of this act and ending December 31, 1961.

License fee prorated.

Short title. SEC. 33. This act may be cited as the Washington pesticide application act.

General penalty. SEC. 34. Any person who shall violate any provisions or requirements of this act or rules adopted hereunder shall be deemed guilty of a misdemeanor.

Severability. SEC. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Repeal. SEC. 36. Section 2, chapter 120, Laws of 1945 as last amended by sections 1, 2, 3 and 4, chapter 261, Laws of 1953 and RCW 17.20.010 through 17.20.040, sections 3 and 4, chapter 120, Laws of 1945 and RCW 17.20.050 and 17.20.060 and section 5, chapter 61, Laws of 1951 and RCW 17.20.070 are each repealed.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 250.

[H. B. 314.]

WEED DISTRICTS.

AN ACT relating to weed districts; providing procedures and penalties; amending sections 1 and 11, chapter 125, Laws of 1929 as amended by sections 1 and 2, chapter 193, Laws of 1937 and RCW 17.04.010 and 17.04.200; amending sections 4, 8, 9, 10, 12, and 13, chapter 125, Laws of 1929 and RCW 17.04.070, 17.04.150, 17.04.180, 17.04.190, 17.04.210, and 17.04.220; amending section 4, chapter 13, Laws of 1957 and RCW 17.04.260; adding a new section to chapter 125, Laws of 1929 and to chapter 17.04 RCW; and providing a penalty.

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

RCW 17.04.010 amended.

SECTION 1. Section 1, chapter 125, Laws of 1929, as amended by section 1, chapter 193, Laws of 1937

and RCW 17.04.010 are each amended to read as follows:

The boards of county commissioners of the respective counties may create a weed district or districts within their counties and enlarge any district, or reduce any district or create or combine or consolidate the districts, or divide or create new districts, from time to time, in the manner hereinafter provided, for the purpose of destroying, preventing and exterminating, or to prevent the introduction, propagation, cultivation or increase of, any particular weed, weeds or plants, or all weeds or plants, including Scotch broom, which are now or may hereafter be classed by the agricultural experiment station of Washington state university as noxious weeds, or plants detrimental to or destructive of crops, fruit, trees, shrubs, valuable plants, forage, or other agricultural plants or produce. Any such district shall include not less than one section of land, and the boundaries thereof shall be along an established road, railroad, scab, uncleared or grazing land, or property line, or established lines, or some natural boundary, and shall include only cultivated or farming lands and shall not include any scab, uncleared or grazing land, except such as shall lie wholly within cultivated or farming lands within the districts, or which lie adjacent to such cultivated or farming lands and which are infested, or which may reasonably be expected to become infested, with the particular weed or weeds to be destroyed, prevented and exterminated by such district: *Provided*, That any quarter section of land, or lesser legal subdivision in single ownership, fifty percent of which is cultivated or farming land, shall be considered cultivated and farming land within the meaning of this chapter.

Weed districts.
Authorized—
Area and
boundaries.

SEC. 2. Section 4, chapter 125, Laws of 1929, and RCW 17.04.070 are each amended to read as follows:

RCW 17.04.070
amended.

Meetings—
 Qualifications
 of electors and
 directors—
 Elections—
 Officers—
 Bonds—Terms
 of office—
 Vacancies—
 Rules and
 regulations.

If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and land owner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board.

Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting.

Every person over twenty-one years of age who is a land owner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: "You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed

district No. of county (giving number of district and name of county).” If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first Monday of March following his election.

Annually thereafter, there shall be held a meeting of the electors of such district on the last Monday in February, except that the directors may, by giving the same notice as is required for the initial meeting, fix an earlier time for the annual meeting

on any nonholiday during the months of December, January or February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and the qualifications of electors at such annual meeting shall be the same as is required for the initial meeting. In conducting directors' elections, the chairman may accept nominations from the floor but voting shall not be limited to those nominated.

All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting

may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all land owners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such land owner at least one week before the date fixed for such special meeting. The qualified electors of any weed district, at any annual meeting, may make other weeds that are not on the petition subject to control by the weed district by a two-thirds vote of the electors present: *Provided*, That said weeds have been classified by the agricultural experiment station of Washington state university as noxious and: *Provided further*, That the directors of the weed district give public notice in the manner required for initial meetings of the proposed new control of said weeds by the weed district.

SEC. 3. Section 9, chapter 125, Laws of 1929 and RCW 17.04.150 are each amended to read as follows:

RCW 17.04.150
amended.

The board of directors of such weed district shall have power:

Powers—Weed
inspector.

(1) To adopt rules and regulations, plans, methods and means for the purpose of destroying, preventing and exterminating the weed or weeds specified in the petition, and to supervise, carry out and enforce such rules, regulations, plans, methods and means.

(2) To appoint a weed inspector and to require from him a bond in such sum as the directors may determine for the faithful discharge of his duties, and to pay the cost of such bond from the funds of such district; and to direct such weed inspector in the discharge of his duties; and to pay such weed inspector from the funds of such district such per diem or salary for the time employed in the discharge of his duties as the directors shall determine.

SEC. 4. Section 8, chapter 125, Laws of 1929 and RCW 17.04.180 are each amended to read as follows:

RCW 17.04.180
amended.

County and
state lands.

Whenever there shall be included within any weed district any lands belonging to the county, the boards of county commissioners shall determine the amount of the taxes for which such lands would be liable if the same were in private ownership, and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. Whenever any state lands shall be located within any weed district the county treasurer shall certify annually and forward to the commissioner of public lands, or, if the lands are occupied by or used in connection with any state institution, to the director of business control, or if the land is under use as state highway right of way, to the director of highways, a statement showing the amount of the tax to which such lands would be liable if the same were in private ownership, separately describing each lot or parcel, and the commissioner of public lands, or the director of business control, or the director of highways, as the case may be, shall cause a proper record to be made in their respective offices of the charges against such lands, and shall certify the same to the state auditor thirty days previous to the convening of the biennial session of the legislature, and the state auditor shall, at the next session of the legislature thereafter certify to the legislature the amount of such charges against such lands, and the legislature shall provide for payment of such charges to the weed district by an appropriation out of the general fund of the state treasury, with interest at six percent per annum on the amount of such charges, and without penalties.

RCW 17.04.190
amended.

SEC. 5. Section 10, chapter 125, Laws of 1929 and RCW 17.04.190 are each amended to read as follows:

Duties of weed
inspector.

It shall be the duty of the weed inspector to carry out the directions of the board of directors and to see that the rules and regulations adopted by the

board are carried out. He shall personally deliver or mail to each resident land owner within such district and to any lessee or person in charge of any land within such district and residing in such district, a copy of the rules and regulations of such district; and he shall personally deliver a copy thereof to nonresident land owners or shall deposit a copy of the same in the United States post office in an envelope with postage prepaid thereon addressed to the last known address of such person as shown by the records of the county auditor; and in event no such address is available for mailing he shall post a copy of such rules and regulations in a conspicuous place upon such land. A record shall be kept by the weed inspector of such dates of mailing, posting or delivering such rules and regulations. In case of any railroad such rules and regulations shall be delivered to the section foreman, or to any official of the railroad having offices within the state. Such rules and regulations must be delivered, posted or mailed by the weed inspector as herein provided at least ten days before the time to start any annual operations necessary to comply with such rules and regulations: *Provided*, That after such district shall have been in operation two years such rules and regulations shall be delivered to resident land owners only once every three years, unless such rules and regulations are changed.

SEC. 6. Section 11, chapter 125, Laws of 1929 as amended by section 2, chapter 193, Laws of 1937 and RCW 17.04.200 are each amended to read as follows:

RCW 17.04.200 amended.

(1) If the weed inspector, or the board of directors, shall find that the rules and regulations of the weed district are not being carried out on any one or more parcels of land within such district, the weed inspector shall give forthwith a notice in writing, on a form to be prescribed by the directors,

Violation of rules and regulations—
Notice to destroy weeds—
—Destruction.

to the owners, tenants, mortgagees, and occupants, or to the accredited resident agent of any nonresident owner of such lands within the district whereon noxious weeds are standing, being or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on such lands in the manner and within the time specified in the notice, such time, however, not to exceed seven days. It shall be the duty of the county auditor and county treasurer to make available to the weed inspector lists of owners, tenants, and mortgagees of lands within such district;

(2) If a resident agent of any nonresident owner of lands where noxious weeds are found standing, being or growing cannot be found, the local weed inspector shall post said notice in the form provided by the directors in three conspicuous places on said land, and in addition to posting said notice the local weed inspector shall, at the same time mail a copy thereof by registered or certified mail with return receipt requested to the owner of such nonresident lands, if his post office address is known or can be ascertained by said inspector from the last tax list in the county treasurer's office, and it shall be the duty of the treasurer to furnish such lists upon request by the weed inspector. Proof of such serving, posting and mailing of notice by the weed inspector shall be made by affidavit forthwith filed in the office of the county auditor and it shall be the duty of the county auditor to accept and file such affidavits;

(3) If the weeds are not cut down, otherwise destroyed or eradicated within the time specified in said notice, the local weed inspector shall personally, or with such help as he may require, cause the same to be cut down or otherwise destroyed in the manner specified in said notice.

SEC. 7. Section 12, chapter 125, Laws of 1929 and RCW 17.04.210 are each amended to read as follows:

The weed inspector shall keep an accurate account of expenses incurred by him in carrying out the provisions of this chapter with respect to each parcel of land entered upon, and the prosecuting attorney of the county or the attorney for the weed district shall cause to be served, mailed or posted in the same manner as provided in this chapter for giving notice to destroy noxious weeds, a statement of such expenses, including description of the land, verified by oath of the weed inspector to the owner, lessee, mortgagee, occupant or agent, or person having charge of said land, and coupled with such statement shall be a notice subscribed by said prosecuting attorney or attorney for the weed district and naming a time and place when and where such matter will be brought before the board of directors of such district for hearing and determination, said statement or notice to be served, mailed or posted, as the case may be, at least ten days before the time for such hearing.

Statement of expense.

SEC. 8. Section 13, chapter 125, Laws of 1929 and RCW 17.04.220 are each amended to read as follows:

At the time of such hearing as provided in RCW 17.04.210, or at such time to which the same may be continued or adjourned, the board of directors shall proceed to examine expenses incurred by the weed inspector in controlling weeds on the parcel of land in question, and shall hear such testimony of such other persons who may have legal interest in the proceedings, and shall enter an order upon its minutes as to what amount, if any, is properly chargeable against the lands for weed control. Cost of serving, mailing and posting shall be added to any amount so found to be due and shall be considered part of the cost of weed control on the land in question. The amount so charged by the directors

RCW 17.04.220 amended.

Hearing—Expense as tax on land—Effect of failure to serve notice provided herein.

shall be a tax on the land on which said work was done after the expiration of ten days from the date of entry of said order, unless an appeal be taken as in this chapter provided, in which event the same shall become a tax at the time the amount to be paid shall be determined by the court; and the county treasurer shall enter the same on the tax rolls against the land for the current year and collect it, together with penalty and interest, as other taxes are collected, and when so collected the same shall be paid into the fund for such weed district: *Provided*, That a failure to serve, mail or post any of the notices or statements provided for in this chapter, shall not invalidate said tax, but in case of such failure the lien of such tax shall be subordinate and inferior to the interests of any mortgagee to whom notice has not been given in accordance with the provisions of this chapter.

RCW 17.04.260 amended.

SEC. 9. Section 4, chapter 13, Laws of 1957 and RCW 17.04.260 are each amended to read as follows:

Limit of indebtedness.

No weed district shall contract any obligation in any year in excess of the total of the funds which will be available during the current year from the tax levy made in the preceding year and funds accumulated from previous years.

New section.

SEC. 10. There is added to chapter 125, Laws of 1929, as amended, and to chapter 17.04 RCW, a new section to read as follows:

Right of entry --Interference with, misdemeanor.

All weed district directors, all weed inspectors, and all official agents of all weed districts, in the performance of their official duties, have the right to enter and go upon any of the lands within their weed district at any reasonable time for any reason necessary to effectuate the purposes of the weed district. Any person who prevents or threatens to prevent any lawful agent of the weed district, after said agent identifies himself and the purpose for which he is going upon the land, from entering or

going upon the land within said weed district at a reasonable time and for a lawful purpose of the weed district, is guilty of a misdemeanor.

Passed the House February 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 251.

[H. B. 326.]

STATE RESIDENTIAL SCHOOLS—TRAINING CENTER AGREEMENTS.

AN ACT relating to mentally or physically deficient persons; authorizing the director of institutions to enter into agreements for the payment of all, or a part of, the cost of the care, maintenance, support and training of mentally or physically deficient persons, accepted for admission to state residential schools, in day training centers or group training homes or a combination thereof which have been approved by the department; authorizing payments to be made by the department not in excess of one hundred dollars per month to supplement payment by parents or guardians of mentally or physically deficient persons; providing authorization to make rules and regulations for such supplementary payments and granting, denying or revoking certification of day training centers or group training homes or combinations thereof; authorizing determination of type and extent of care and training and payments therefor; defining terms and adding four new sections to chapter 28, Laws of 1959 and to chapter 72.33 RCW; and providing for the expiration of the act on July 1, 1963.

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

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

New section.

The director of the department of institutions is hereby authorized to enter into agreements with any person, corporation or association operating a day training center or group training home or a combination thereof approved by the department

Contracts for care of persons admitted to state residential schools. Authorized.

for the payment of all, or a portion of the cost of the care, maintenance, support and training of mentally or physically deficient persons accepted for admission to a state residential school as hereinafter provided.

For the purpose of this act the terms "day training center" and "group training home" shall have the following meanings:

"Day training center" defined.

(1) "Day training center" shall mean a facility equipped, supervised, managed and operated at least three days per week by any person, association or corporation on a nonprofit basis for the day-care, training and maintenance of mentally or physically deficient persons accepted for admission to state residential schools, and approved in accordance with this act and the standards of the department of institutions as set forth in the rules and regulations to be promulgated by the director.

"Group training home" defined.

(2) "Group training home" shall mean a facility equipped, supervised, managed and operated on a full time basis by any person, association or corporation on a nonprofit basis for the full time care, training and maintenance of mentally or physically deficient persons accepted for admission to a state residential school, and approved in accordance with this act and the standards of the department of institutions as set forth in rules and regulations to be promulgated by the director.

New section.

SEC. 2. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows:

Payments for care, supplemental—Maximum.

All payments made by the department of institutions pursuant to this act shall be, insofar as possible, supplementary to payments to be made to a day training center or group training home or combination thereof by the parents or guardians of such mentally or physically deficient persons. Payments made by the director in accordance with the author-

ity of this act shall not exceed one hundred dollars per month for the care, support, maintenance and training of any mentally or physically deficient person at a day training center or group training home or combination thereof.

SEC. 3. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows: New section.

Any person, corporation, or association may make application to the director of the department of institutions for approval and certification of the applicant's facility as a day training center, or a group training home for mentally or physically deficient persons or a combination of both. The director may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, maintenance, training and support of mentally or physically deficient persons, in accordance with standards as set forth in rules and regulations to be promulgated by the director. Certification of facility as day training center or group training home.

SEC. 4. There is added to chapter 28, Laws of 1959 and to chapter 72.33 RCW a new section to read as follows: New section.

The parent or guardian of a mentally or physically deficient person who has been accepted for admission to a state residential school, may make application to the director of institutions for the payment of all, or a portion of, the monthly cost of care, maintenance, support and training of such mentally deficient person, in a day training center or a group training home or a combination thereof which has been approved by the department: *Provided*, That such cost shall not exceed one hundred dollars per month. The director, after investigation, may accept or reject the application, and, if accepted, shall determine the extent and type of care and training and Application for state aid.

Investigation upon acceptance of application.

the amount which the department will pay, not to exceed one hundred dollars per month, based upon the needs of such mentally or physically deficient person and the ability of the parent or the guardian to pay, or contribute to the payment of the monthly cost of such care and training. The director, may, upon application of such parent or guardian, after investigation of the ability or inability of such persons to pay, or without application being made, modify the amount of the monthly payments to be paid by the department of institutions for the care and training of such mentally or physically deficient persons at a day training center or group training home or combination thereof.

Subsequent modification.

Facilities to be nonsectarian.

SEC. 5. A day training center and a group training home as used in this act shall be a nonsectarian day training center and a nonsectarian group training home.

Expiration.

SEC. 6. This act shall be of no further force or effect on and after July 1, 1963.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 252.

[H. B. 366.]

SCHOOL DISTRICT ELECTIONS—DATES.

AN ACT relating to school district elections.

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

School district regular elections for officials, when.

SECTION 1. From and after the effective date of this section all regular elections held by any school district of any class for the election of any officials thereof shall be held on the second Tuesday of March in odd-numbered years.

There shall be no district regular elections held in the year 1962 and the officers whose terms would have expired in 1962 but for the provisions of this section shall continue in office until their successors are elected and qualified at the district election to be held in 1963. There shall be no district regular election held in the year 1964 and the officers whose terms would have expired in 1964 but for the provisions of this section shall continue in office until their successors are elected and qualified at the district election to be held in 1965. There shall be no district regular election held in the year 1966 and the officers whose terms would have expired in 1966 but for the provisions of this section shall continue in office until their successors are elected and qualified at the district election in 1967.

The odd-numbered years shall be the only years in which a regular election held by any school district of any class shall be held and this shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for the holding of school district regular elections: *Provided*, That nothing in this section shall affect any school district special election nor shall it prevent any school district from holding any special election in conjunction with any county or municipal election which is held on the date of the school district election in the odd-numbered years.

Passed the House February 20, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor, March 17, 1961.

CHAPTER 253.

[H. B. 348.]

RECREATIONAL DEVICES—CONVEYANCE OF PERSONS.

AN ACT relating to recreational devices designed for conveyance of persons; and amending sections 1 and 7, chapter 327, Laws of 1959 and RCW 70.88.010 and RCW 70.88.070.

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

RCW 70.88.010 amended.

SECTION 1. Section 1, chapter 327, Laws of 1959 and RCW 70.88.010 are each amended to read as follows:

Safe and adequate facilities and equipment required of owner and operator.

Every owner or operator of any recreational device designed and operated for the conveyance of persons which aids in promoting entertainment, pleasure, play, relaxation, or instruction, specifically including devices generally associated with winter sports activities such as ski lifts, ski tows, and chair lifts, shall construct, furnish, maintain, and provide safe and adequate facilities and equipment with which to safely and properly receive and transport all persons offered to and received by the owner or operator of such devices, and to promote the safety of such owner's or operator's patrons, employees and the public.

RCW 70.88.070 amended.

SEC. 2. Section 7, chapter 327, Laws of 1959 and RCW 70.88.070 are each amended to read as follows:

Costs of inspection—Lien—Disposition of funds.

The expenses incurred in connection with making inspections under this chapter shall be paid by the owner or operator of such recreational devices either by reimbursing the commission for the costs incurred or by paying directly such individuals or firms that may be engaged by the commission to accomplish the inspection service. Payment shall be made only upon notification by the commission of the amount due. No fee in excess of ten dollars an hour shall be charged and in no event shall the total cost for each inspection exceed the sum of two hundred and

fifty dollars. In determining the costs to be assessed hereunder, the commission must approximate the reasonable costs necessary in order to accomplish the purposes of this chapter. The costs as assessed by the commission shall be a lien on the equipment of the owner or operator of the recreational devices so inspected. Such moneys collected by the commission hereunder shall be paid into the parks and parkways account of the general fund.

Passed the House February 25, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 254.

[H. B. 363.]

MUNICIPAL CORPORATIONS—INVESTMENT OF FUNDS.

AN ACT relating to the investment of funds by the county or other municipal corporation treasurer; and amending section 1, chapter 73, Laws of 1895, and RCW 36.29.020.

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

SECTION 1. Section 1, chapter 73, Laws of 1895, and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated county depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate

RCW 36.29.020
amended.

County
treasurer.
Custodian of
money—In-
vestment of
excess funds
by—Service
fee.

expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer in savings and loan associations in accordance with the provisions of RCW 33.52.010, or in any short term United States government securities: *Provided*, Five percent of the interest or earnings, with a minimum of ten dollars or maximum of fifty dollars, on any transactions authorized by each resolution of the governing body shall be paid as an investment service fee to the office of county treasurer or other municipal corporation treasurer when such investment is terminated and the interest or earnings become available to the governing body.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 255.

[H. B. 365.]

FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to firemen of cities, towns and fire protection districts; creating a relief and pension system for certain firemen and providing for pensions, benefits and allowances thereunder; providing for the maintenance of and contributions and payments to municipal firemen's pension funds; providing for the distribution of and payments from such funds; and defining terms and prescribing powers and duties of certain individuals; amending section 1, chapter 382, Laws of 1955 and RCW 41.18.010; amending section 3, chapter 382, Laws of 1955 and RCW 41.18.030; amending section 4, chapter 382, Laws of 1955 and RCW 41.18.040; amending section 6, chapter 382, Laws of 1955 and RCW 41.18.060; amending section 9, chapter 382, Laws of 1955 and RCW 41.18.080; amending section 11, chapter 382, Laws of 1955 and RCW 41.18.130; amending section 13, chapter 382, Laws of 1955 and RCW 41.18.140; amending section 5, chapter 91, Laws of 1947, as amended by section 1, chapter 45, Laws of 1949 and RCW 41.16.050; amending section 6, chapter 91, Laws of 1947 as amended by section 1, chapter 72, Laws of 1951 and RCW 41.16.060; amending section 2, chapter 91, Laws of 1947 and RCW 41.16.020; adding two new sections to chapter 41.18 RCW; and repealing section 7, chapter 382, Laws of 1955, and RCW 41.18.070, and section 12, chapter 382, Laws of 1955, and RCW 41.18-110, and section 10, chapter 382, Laws of 1955 and RCW 41.18.120.

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

SECTION 1. Section 1, chapter 382, Laws of 1955 and RCW 41.18.010, are each amended to read as follows:

RCW 41.18.010
amended.

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

Firemen's
benefits, 1955
act.
Definitions.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this act.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly em-

ployed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: *Provided*, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow" means the surviving wife of a fireman and shall include the surviving wife of a fireman, retired on account of length of service, who was lawfully married to him for a period of five years prior to the time of his retirement; and the surviving wife of a fireman, retired on account of disability, who was lawfully married to him at and prior to the time he sustained the injury or contracted the illness resulting in his disability. The word shall not mean the divorced wife of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from

income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, fulltime, paid, and employed force of firemen of the municipality.

(12) "Fund" shall mean the firemen's pension fund herein created.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized fulltime, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty.

SEC. 2. Section 3, chapter 382, Laws of 1955 and RCW 41.18.030 are each amended to read as follows: RCW 41.18.030 amended.

Every fireman to whom this chapter applies shall contribute to the firemen's pension fund a sum equal to six percent of his basic salary which shall be deducted therefrom and placed in the fund. Contributions by firemen.

SEC. 3. Section 4, chapter 382, Laws of 1955 and RCW 41.18.040 are each amended to read as follows: RCW 41.18.040 amended.

Retirement for
service—Pen-
sion—Widow's
pension.

Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this act, and shall have attained the age of fifty years, he shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement such fireman shall be paid a monthly pension which shall be equal to 50% of his basic salary.

Upon the death of any such retired fireman, the amount of his pension had he lived shall be paid to his widow, if such widow was his wife for a period of five years prior to the time of his retirement. If there be no widow, then such payment shall be made to his child or children until they are eighteen years of age or have prior thereto married.

RCW 41.18.060
amended.

SEC. 4. Section 6, chapter 382, Laws of 1955 and RCW 41.18.060 are each amended to read as follows:

Disablement
in line of duty
—Inactive
period—
Allowance—
Medical, hos-
pital, nursing
care.

Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his basic monthly salary and, in addition, he shall be provided with medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired at a monthly sum equal to fifty percent of the amount of his basic salary at any time thereafter attached to the rank which he held at the date of his retirement.

SEC. 5. Section 9, chapter 382, Laws of 1955 and RCW 41.18.080 amended.
RCW 41.18.080 amended.

Any fireman who has completed his probationary period and has been permanently appointed, and sustains a disability not in the performance of his duty which renders him unable to continue his service, may request to be retired by filing a written request with his retirement board within sixty days from the date of his disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his basic salary. He shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall die as a result of a disability sustained not in the line of duty, his widow shall receive a monthly pension equal to one-third of his basic salary until remarried; if such widow has dependent upon her for support a child or children of such deceased fireman, she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary;

Payment upon
disablement
not in line of
duty.

two children, one-seventh; three or more children, one-sixth. If there be no widow, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his child or children. The widow may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

RCW 41.18.130 amended.

SEC. 6. Section 11, chapter 382, Laws of 1955 and RCW 41.18.130 are each amended to read as follows:

Payment on separation—
With less than twenty-five years service or fifty years of age.

Any fireman who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest.

RCW 41.18.140 amended.

SEC. 7. Section 13, chapter 382, Laws of 1955 and RCW 41.18.140 are each amended to read as follows:

Funeral expenses.

The board shall pay from the firemen's pension fund upon the death of any active or retired fireman the sum of five hundred dollars, to assist in defraying the funeral expenses of such fireman.

RCW 41.16.050 amended.

SEC. 8. Section 5, chapter 91, Laws of 1947, as amended by section 1, chapter 45, Laws of 1949, and RCW 41.16.050 are each amended to read as follows:

Firemen's benefits, 1947 act.
Firemen's pension fund—How constituted.

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of (1) all bequests, fees, gifts, emoluments or donations given or paid thereto, (2) forty-five percent of all moneys received by the state from taxes on fire insurance premiums, (3) taxes paid pursuant to the provisions of RCW 41.16.060, (4) interest on the investments of the fund, (5) contributions by firemen as provided for herein.

The forty-five percent of moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firemen in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after the taking effect of this 1961 amendatory act and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firemen in the fire department in such city, town or fire protection district. The state treasurer shall on or before the first day of March of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

SEC. 9. Section 6, chapter 91, Laws of 1947, as amended by section 1, chapter 72, Laws of 1951, and RCW 41.16.060 are each amended to read as follows:

RCW 41.16.060
enacted with-
out amend-
ment.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one mill on all the taxable property of such municipality: *Provided*, That should the estimated amount to be raised by said levy of one mill, together with other estimated income be insufficient to meet the estimated requirements of the fund then there shall be levied such additional tax, not to exceed one mill, as will meet said requirements:

Provided further, That this additional levy may be in addition to the city fifteen mill levy limit now provided by law.

Any city or town may, at any time before the annual budget for the city or town is made, cause an examination of and report on the condition of the firemen's pension fund by an actuary, and if it is established from such examination and report that the condition of the fund and the estimated demands and requirements thereon under this chapter during the ensuing budget year will not require the levy of the mandatory one mill, or if all or any part of the additional one mill levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of the mandatory or additional one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose.

RCW 41.16.020
amended.

SEC. 10. Section 2, chapter 91, Laws of 1947 and RCW 41.16.020 are each amended to read as follows:

Pension board
created—
Members—
Terms—
Vacancies—
Quorum.

There is hereby created in each city and town a municipal firemen's pension board to consist of the following five members, ex officio, the mayor, who shall be chairman of the board, the city comptroller or clerk, the chairman of finance of the city council, or if there is no chairman of finance, the city treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. The two firemen so elected shall, in turn, select a third fireman who shall serve as an alternate in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner

elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business.

SEC. 11. There is added to chapter 41.18 RCW a New section.
new section to read as follows:

There is hereby created in each fire protection Fire protec-
tion district
firemen's pen-
sion board.
Members—
Terms of fire-
men members.
district which qualifies under this chapter, a firemen's pension board to consist of the following five members, the chairman of the fire commissioners for said district who shall be chairman of the board, the county auditor, county treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. That the two firemen so elected shall, in turn, select a third fireman who shall serve in the event of an absence of one of the regularly elected firemen. In case a Filling
vacancy in
firemen
members.
vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint Secretary.
a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said Chairman pro
tempore.
board shall constitute a quorum and have power to Quorum.
transact business.

New section.

SEC. 12. There is added to chapter 382, Laws of 1955 and chapter 41.18 RCW a new section to read as follows:

Election to take under chapter 41.18 RCW.

Any fireman who has made contributions under any prior act may elect to avail himself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this 1961 amendatory act: *Provided*, That any fireman who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act.

Severability.

SEC. 13. If any clause, part or section of this act shall be adjudged in violation of the constitution, or for any reason invalid, such judgment shall not affect nor invalidate the remainder of the act, nor any clause, part or section thereof, but such judgment shall be confined in its operation to the clause, part or section directly involved in the controversy in which judgment was rendered, and the balance of the act shall remain in full force and effect.

Repeal.

SEC. 14. Section 7, chapter 382, Laws of 1955 and RCW 41.18.070; and section 12, chapter 382, Laws of 1955 and RCW 41.18.110; and section 10, chapter 382, Laws of 1955 and RCW 41.18.120 are each repealed.

Passed the House March 8, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 256.

[Sub. H. B. 389.]

WASHINGTON STATE AGRICULTURAL
ENABLING ACT.

AN ACT relating to agricultural commodities and products thereof; providing for assessments; and providing penalties.

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

SECTION 1. This act shall be known and may be cited as the Washington state agricultural enabling act. Short title.

SEC. 2. The following terms are hereby defined: Definitions.

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director. "Director".

(2) "Department" means the department of agriculture of the state of Washington. "Department".

(3) "Marketing order" means an order issued by the director pursuant to this act. "Marketing order".

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this act. "Marketing agreement".

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) "Agricultural commodity".

what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this act.

"Production area",
"marketing area".

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with section 35 of this act. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

"Unit" of an agricultural commodity.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

"Affected unit".

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: *Provided*, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

"Affected commodity".

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

"Producer".

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected

"Affected producer".

producer” means any producer of an affected commodity. “To produce” means to act as a producer.

(11) “Handler” means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. “Affected handler” means any handler of an affected commodity. “To handle” means to act as a handler.

(12) “Producer-handler” means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) “Cooperative association” means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the “Capper-Volstad Act” and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) “Member of a cooperative association” means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) “Producer marketing” or “marketed by producers” means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler;

(b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

“Commercial quantities”.

(16) “Commercial quantities” as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. “Commercial quantities” as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

“Commodity board”,
“Board”.

(17) “Commodity board” means any board established pursuant to section 22 of this act. “Board” means any such commodity board unless a different board is expressly specified.

“Sell”.

(18) “Sell” includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

“Section”.

(19) “Section” means a section of this act unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this act.

"Represented in a referendum".

(21) "Person" as used in this act shall mean any person, firm, association or corporation.

"Person".

SEC. 3. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale and proper use of such commodities. This act is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety and general welfare of the people of this state.

Legislative declaration.

SEC. 4. It is hereby declared to be the policy of this act:

Policy declaration.

(1) To aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities and in developing more efficient methods of marketing agricultural products.

(2) To enable agricultural producers of this state, with the aid of the state: (a) to develop, and engage in research for developing, better and more efficient production, marketing and utilization of agricultural products; (b) to establish orderly marketing of agricultural commodities; (c) to provide for uniform grading and proper preparation of agricultural commodities for market; (d) to provide methods and means (including, but not limited to, public relations and promotion) for the maintenance

of present markets and for the development of new or larger markets, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market; (e) to eliminate or reduce economic waste in the marketing and/or use of agricultural commodities; (f) to restore and maintain adequate purchasing power for the agricultural producers of this state; and (g) to accomplish all the declared policies of this act.

(3) To protect the interest of consumers by assuring a sufficient pure and wholesome supply of agricultural commodities of good quality at all seasons and times.

Administra-
tion—
Enforcement.

SEC. 5. The director shall administer and enforce this act and it shall be his duty to carry out its provisions and put them into force in accordance with its terms, but issuance, amendment, modification, suspension and/or termination of marketing agreements and orders and of any terms or provisions thereof shall be accomplished according to the procedures set forth in this act and not otherwise. Whenever he has reason to believe that the issuance, amendment or termination of a marketing agreement or order will tend to effectuate any declared policy of this act with respect to any agricultural commodity, and in the case of application for issuance or amendment ten or more producers of such commodity apply or in the case of application for termination ten percent of the affected producers so apply, then the director shall give due notice of, and an opportunity for, a public hearing upon such issuance, amendment or termination, and he shall issue marketing agreements and orders containing the provisions specified in this act and from time to time amend or terminate the same whenever upon compliance with and on the basis of facts adduced

Standards
requisite for
amendment or
termination of
marketing
agreement.

in accordance with the procedural requirements of this act he shall find that such agreement, order or amendment:

(1) Will tend to effectuate one or more of the declared policies of this act and is needed in order to effectuate the same.

(2) Is reasonably adapted to accomplish the purposes and objects for which it is issued and complies with the applicable provisions of this act.

(3) Has been approved or favored by the percentages of producers and/or handlers specified in and ascertained in accordance with this act.

SEC. 6. The director shall cause any proposed marketing agreement, order, amendment or termination to be set out in detailed form and reduced to writing, which writing is herein designated "proposal." The director shall make and maintain on file in the office of the department a copy of each proposal and a full and complete record of all notices, hearings, findings, decisions, assents, and all other proceedings relating to each proposal and to each marketing agreement and order.

Marketing
"proposals".
—Filed.

SEC. 7. The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than five days in a newspaper of general circulation in Olympia and such other newspapers as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail a copy of such notice to all producers

Notice of
hearing on
marketing
proposals.

and handlers who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which such notice is published, upon lists of such persons then on file in the department.

Hearings—
Hearing
examiner,
powers.

SEC. 8. Every hearing held pursuant to this act shall be public and all testimony shall be received under oath and a permanent record thereof maintained. The director may designate an employee of the department or other qualified person as an examiner (which person is designated herein, "hearing examiner") in any inquiry, investigation, hearing or proceeding held pursuant to this act and for such purpose such examiner may exercise any power herein conferred upon the director in connection therewith, including the power to administer oaths, examine witnesses and to issue subpoenas. At each such hearing the director shall receive evidence with respect to all of the matters and things upon which he must make a finding.

Hearings—
Production of
evidence.

SEC. 9. In any and every hearing conducted pursuant to any provision of this act the director and/or such examiner shall have the power to issue subpoenas for the production of any books, records or documents of any kind and to subpoena witnesses to be produced or to appear (as the case may be) in the county wherein the principal party involved in such hearing resides. No person shall be excused from attending and testifying or from producing documentary evidence before the director in obedience to the subpoena of the director on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may be so required to testify

Duty to give
testimony or
evidence.

or produce evidence, documentary or otherwise, before the director in obedience to a subpoena issued by him: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The superior court of the county in which any such hearing or proceeding may be had, may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. In case any witness refuses to attend or testify or produce any papers required by the subpoena, the director or his examiner shall so report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice was given of the time and place of attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this act and that the fees and mileage of the witness have been paid or tendered to him in accordance with RCW 2.40.020 and that he has failed to attend or produce the papers required by the subpoena at the hearing, cause or proceeding specified in the notice and subpoena, or has refused to answer questions propounded to him in the course of such hearing, cause or proceeding, and shall ask an order of the court to compel such witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there show cause why he has not responded to the subpoena. A certified copy of the show cause order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued, the court shall enter a decree that said witness appear at the time and place fixed in the decree and testify or produce the required papers, and on failing to obey said

Compelling attendance of witnesses, production of records—Contempt of court upon failure.

decree the witness shall be dealt with as for contempt of court.

Initial findings, decision
—Copies of distributed.

SEC. 10. The director shall make and publish findings based upon the facts, testimony and evidence received at the public hearings together with any other relevant facts available to him from official publications of the United States or any state thereof or any institution of recognized standing and he is hereby expressly empowered to take "official notice" of the same. Such findings shall be made upon every material point controverted at the hearing and/or required by this act and upon such other matters and things as the director may deem fitting and proper. The director shall issue a recommended decision based upon his findings and shall cause copies of the findings and recommended decision to be delivered or mailed to all parties of record appearing at the hearing, or their attorneys of record.

Objections to findings, decision, filed—
Final decision.

SEC. 11. After the issuance of a recommended decision all interested parties shall have a period of not less than ten days to file objections or exceptions with the director. Thereafter the director shall take such objections and exceptions as are filed into consideration and shall issue and publish his final decision which may be the same as the recommended decision or may be revised in the light of said objections and exceptions. Upon written waiver executed by all parties of record at any hearing or by their attorneys of record the director may in his discretion omit compliance with the provisions of this section 11.

Final decision
—Contents—
Distribution.

SEC. 12. The recommended decision shall contain the text in full of any recommended agreement, order, amendment or termination, and may deny or approve the proposal in its entirety, or it may recommend a marketing agreement, order, amendment or termination containing other or different terms

or conditions from those contained in the proposal: *Provided*, That the same shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The final decision shall set out in full the text of the agreement, order, amendment or termination covered thereby, and the director shall issue and deliver or mail copies of said final decision to all producers and handlers who may be directly affected by such final decision and whose names and addresses appear, on the day next preceding the day on which such final decision is issued, upon the lists of such persons then on file in the department, and to all parties of record appearing at the hearing, or their attorneys of record. If the final decision denies the proposal in its entirety no further action shall be taken by the director.

SEC. 13. With respect to marketing agreements, the director shall after publication of his final decision, invite all producers and handlers affected thereby to assent or agree to the agreement or amendment set out in such decision. Said marketing agreements or amendments thereto shall be binding upon and only upon persons who have agreed thereto in writing and whose written agreement has been filed with the director: *Provided*, That the filing of such written agreement by a cooperative association shall be binding upon such cooperative and all of its members, and *Provided further*, That the director shall enter into and put into force a marketing agreement or amendment thereto when and only when he shall find in addition to the other findings specified in this act that said marketing agreement or any amendment thereto has been assented to by a sufficient number of signatories who handle or produce a sufficient volume of the commodity affected to tend to effectuate the declared policies and purposes

Assent to final
decision, mini-
mum needed—
Parties
bound by.

of this act and to accomplish the purposes and objects of such agreement or amendment thereto and provide sufficient moneys from assessments levied to defray the necessary expenses of formulation, issuance, administration and enforcement. Such agreement shall be deemed to be issued and put into force and effect when the director shall have so notified all persons who have assented thereto.

Order affect-
ing producer
marketing,
minimum re-
quired assent
of producers.

SEC. 14. No marketing order or amendment thereto directly affecting producers or producer marketing shall be issued unless the director determines (in accordance with any of the procedures described at section 16 of this act) that the issuance of such order or amendment is assented to or favored by producers who during a representative period determined by the director constituted either (1) at least sixty-five percent by numbers and at least fifty-one percent by volume of production of the producers who have been engaged within the area of production specified in such marketing order in the production for market of the commodity specified therein, or who during such representative period have been engaged in the production of such commodity for marketing in the marketing area specified in such marketing order, or (2) at least fifty-one percent by numbers and at least sixty-five percent by volume of production of such producers.

Order affect-
ing handlers,
minimum
required
assent.

SEC. 15. Any marketing order or amendment thereto directly affecting handlers shall be issued either (1) when the director determines that the issuance of such order or amendment is assented to or favored by handlers who during a representative period determined by the director constituted at least fifty-one percent by numbers or fifty-one percent by volume handled of the handlers who have been engaged in the handling of the commodity specified in such marketing order produced in such production area or marketed in such marketing area,

as the case may be, or (2) when upon the basis of findings on a duly noticed hearing held in the manner herein provided, the director determines:

(a) That the issuance of such order or amendment will not result in unequal cost of product or availability of supplies, or cause competitive disadvantage of other respects as between handlers;

(b) That the issuance of such order or amendment is the only practical means of advancing the interest of producers of such commodity pursuant to the declared policy of this act and that failure to issue such order or amendment would tend to prevent effectuation of the declared policies of this act;

(c) That the issuance of such order is assented to or favored by producers who during a representative period determined by the director constituted at least seventy-five percent by numbers or at least sixty-five percent by volume of production of the producers who have been engaged within the production area specified in such marketing order in the production for market of the commodity specified therein, or who during such representative period have been engaged in the production of such commodity for sale in the marketing area specified in such order.

SEC. 16. After publication of his final decision, the director shall ascertain (either by written agreement in accordance with subsection 16 (1) of this act or by referendum in accordance with subsection 16 (2) of this act) whether the above specified percentages of producers and/or handlers assent to or approve any proposed order, amendment or termination, and for such purpose:

(1) The director may ascertain whether assent or approval by the percentages specified in sections 14, 15 or 19 (whichever is applicable) have been complied with by written agreement, and the requirements of assent or approval shall, in such case,

Procedure to
determine
assent.

be held to be complied with, if of the total number of affected producers or affected handlers and the total volume of production of the affected commodity or product thereof, the percentages evidencing assent or approval are equal to or in excess of the percentages specified in said sections; or

(2) The director may conduct a referendum among producers and the requirements of assent or approval shall be held to be complied with if of the total number of producers and the total volume of production represented in such referendum the percentage assenting to or favoring is equal to or in excess of the percentage specified in sections 14, 15 or 19 (whichever is applicable): *Provided*, That thirty percent of the affected producers producing thirty percent by volume of the affected commodity have been represented in the referendum: *Provided further*, That a marketing order shall not become effective when the provisions of subsection (3) of this section are used unless sixty-five percent by number of the affected producers producing fifty-one percent by volume of the affected commodity or fifty-one percent by number of the affected producers producing sixty-five percent by volume of the affected commodity approve such marketing order;

(3) The director shall consider the assent or dissent or the approval or disapproval of any cooperative marketing association authorized by its producer members either by a majority vote of those voting thereon or by its articles of incorporation or by its bylaws or by any marketing or other agreement to market the affected commodity for such members or to act for them in any such referendum as being the assent or dissent or the approval or disapproval of the producers who are members of or stockholders in or under contract with such cooperative association of producers: *Provided*, That the association shall first determine that a majority

of its affected producers authorizes its action concerning the specific marketing order.

SEC. 17. If the director determines that the requisite assent has been given he shall issue and put any order or amendment thereto into force, whereupon each and every provision thereof shall have the force of law. Issuance shall be accomplished by publication for one day in a newspaper of general circulation in Olympia and in the affected area of notice stating that the order has been issued and put into force and where copies of such order may be obtained. If the director determines that the requisite assent has not been given no further action shall be taken by the director upon the proposal, and the order contained in the final decision shall be without force or effect.

Issuance of
order—Effect.

SEC. 18. The director may, upon the advice of the commodity board serving under any agreement or order and without compliance with the provisions of sections 5 through 17 of this act:

Amendment
or suspension
of order by
director with
consent of
commodity
board.

(1) Amend any marketing agreement or order as to any minor matter or wording which does not substantially alter the provisions and intention of such agreement or order;

(2) Suspend any such agreement or order or term or provision thereof for a period of not to exceed one year, if he finds that such suspension will tend to effectuate the declared policy of this act: *Provided*, That any such suspension of all or substantially all of such agreement or order shall not become effective until the end of the then current marketing season.

SEC. 19. Any marketing agreement or order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to such termination. The director may ascertain without compliance with the provisions of sec-

Termination
of order, mini-
mum assent
—When
effective.

tions 5 through 13 hereof whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of said producers file written application with him for such termination. No such termination shall become effective until the expiration of the marketing season then current.

Producer,
handler lists
—Use.

SEC. 20. Whenever application is made for the issuance of a marketing agreement or order or the director otherwise determines to hold a hearing for the purpose of such issuance, the director or his designee shall cause lists to be prepared from any information which he has at hand or which he may obtain from producers, associations of producers and handlers of the affected commodity. Such lists shall contain the names and addresses of persons who produce the affected commodity, the amount of such commodity produced by each such person during the period which the director determines for the purposes of the agreement or order to be representative, and the name of any cooperative association authorized to market for him the commodity specified in the marketing agreement or order. Such lists shall also contain the names and addresses of persons who handle the affected commodity and the amount of such commodity handled by each person during the period which the director determines for the purposes of the agreement or order to be representative. Any qualified person may at any time have his name placed upon any list for which he qualifies by delivering or mailing his name, address and other information to the director and in such case the director shall verify such person's qualifications and if he qualifies, place his name upon such list. At every hearing upon the issuance, amendment or termination of such order or agreement the director or his designee shall take evidence for the purpose of making such lists complete and

accurate and he may employ his powers of subpoena of witnesses and of books, records and documents for such purpose. After every such hearing the director shall compile, complete, correct and bring lists up to date in accordance with the evidence and information obtained at such hearing. For all purposes of giving notice, holding referenda and electing members of commodity boards, the lists on hand corrected up to the day next preceding the date for issuing notices or ballots as the case may be shall, for all purposes of this act, be deemed to be the list of all persons entitled to notice or to assent or dissent or to vote.

SEC. 21. The director shall administer, enforce, direct, and control every marketing agreement and order in accordance with its provisions. For such purposes he shall include in each order and he may include in each agreement provisions for the employment of such administrator and such additional personnel (including attorneys engaged in the private practice of law, subject to the approval and supervision of the attorney general) as he determines are necessary and proper for such order or agreement to effectuate the declared policies of this act. Such provisions may provide for the qualifications, method of selection, term of office, grounds of dismissal and the detailed powers and duties to be exercised by such administrator or board and by such additional personnel, and may also provide either that the said administrative board shall be the commodity board or that the administrator or administrative board be designated by the director or the governor.

SEC. 22. Every marketing agreement and order shall provide for the establishment of a commodity board of not less than five nor more than thirteen members and shall specify the exact number thereof and all details as to qualification, nomination, elec-

Order to contain enforcement, administration provisions.

Order to provide for commodity board—Members.

tion, term of office, powers, duties and all other matters pertaining to such board. The members of the board shall be producers or handlers or both in such proportion as the director shall specify in the agreement or order, but in any marketing order the number of handlers on the board shall not exceed the number of producers thereon. The director shall appoint to every such board one person who is neither a producer nor a handler to represent the department and the public generally.

Qualifications
of commodity
board
members.

SEC. 23. The producer members of each such board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer. The handler members of such board shall be practical handlers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been, either individually or as an officer or employee of a corporation, firm, partnership, association or cooperative, actually engaged in handling such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom. The qualification of members of the board as herein set forth must continue during their terms of office.

Terms of office
of commodity
board mem-
bers—District
representa-
tion.

SEC. 24. The term of office of board members shall be three years, and one-third as nearly as may be shall be elected every year: *Provided*, That at the inception of any agreement or order the entire board shall be elected one-third for a term of one year, one-third for a term of two years and one-third for

a term of three years to the end that memberships on such board shall be on a rotating basis. In the event an order or agreement provides that both producers and handlers shall be members of such board the terms of each type of member shall be so arranged that one-third of the handler members as nearly as may be and one-third of the producer members as nearly as may be shall be elected each year.

Any marketing agreement or order may provide for election of board members by districts, in which case district lines and the number of board members to be elected from each district shall be specified in such agreement or order and upon such basis as the director finds to be fair and equitable and reasonably adapted to effectuate the declared policies of this act.

SEC. 25. For the purpose of nominating candidates to be voted upon for election to such board memberships, the director shall call separate meetings of the affected producers and handlers and in case elections shall be by districts he shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers and/or handlers according to the list thereof maintained by the director pursuant to section 20 of this act. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such

Procedure for
nomination of
commodity
board
members.

district. Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

Procedure for
election of
commodity
board
members.

SEC. 26. The members of every such board shall be elected by secret mail ballot under the supervision of the director. Producer members of such board shall be elected by a majority of the votes cast by the affected producers, but if the marketing order or agreement provides for districts such producer members of the board shall be elected by a majority of the votes cast by the affected producers in the respective districts. Each affected producer shall be entitled to one vote. Handler members of the board shall be elected by a majority of the votes cast by the affected handlers, but if the marketing order or agreement provides for districts such handler members of the board shall be elected by a majority of the votes cast by the affected handlers in the respective districts. Each affected handler shall be entitled to one vote.

If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each pro-

ducer and handler entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with section 20 hereof. Any other producer or handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of any board member.

SEC. 27. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term. A majority of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board. No member of the board shall receive any salary or other compensation but each member shall receive a sum to be specified in the marketing agreement or order not in excess of thirty-five dollars per day for each day spent in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees.

Filling vacancies on commodity board — Quorum.

Board members reimbursed for expenses.

SEC. 28. The powers and duties of the board shall be:

Commodity board, powers and duties.

(1) To elect a chairman and such other officers as it deems advisable;

(2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;

(3) To recommend to the director administrative rules, regulations and orders and amendments thereto for the exercise of his powers in connection with such agreement or order;

(4) To advise the director upon any and all assessments provided pursuant to the terms of such agreement or order and upon the collection, deposit, withdrawal, disbursement and paying out of all moneys;

(5) To assist the director in the collection of such necessary information and data as the director may deem necessary in the proper administration of this act;

(6) To administer the order or agreement as its administrative board if the director designates it so to do in such order or agreement;

(7) To perform such other duties as the director may prescribe in the marketing agreement or order.

Any agreement or order under which the commodity board administers the order or agreement shall (if so requested by the affected producers in the proposal or promulgation hearing) contain provisions whereby the director reserves the power to approve or disapprove every order, rule or directive issued by the board, in which event such approval or disapproval shall be based on whether or not the director believes the board's action has been carried out in conformance with the purposes of this act.

Legal liability of board, its employees or agents.

SEC. 29. Obligations incurred by any administrator or board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by this act or any marketing agreement or order issued pursuant to this act, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under such marketing agreement or order were a corporation. No liability for the debts or actions of such administrator, board, employee or agent incurred in their official capacity under the agreement or order shall exist either against its administrator, board, officers, employees and/or agents in his or their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee

or agent thereof) established pursuant to this act or the assets thereof. The administrator of any order or agreement, the members of any such board, and also his or their agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other administrator, board, member of any such board, or other person. The liability of the members of any such board shall be several and not joint and no member shall be liable for the default of any other member.

SEC. 30. The purposes for which each marketing agreement and order is issued and the powers which shall be exercised thereunder shall be stated in detail in the provisions of such agreement or order. Any such agreement or order or amendment thereto may contain provisions for the exercise of any one or more or all of the powers and purposes set forth in sections 31 through 34 inclusive. However, any agreement, order or amendment wherein the affected commodity is one of those listed below shall contain provisions for the exercise of only those powers and purposes contained in said sections 31 through 34 set after its name below, to wit:

- (1) Wheat, sections 31, 32 and 33.

SEC. 31. Any marketing agreement or order may provide for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for the affected commodity. It may also provide for the prevention, modification or removal of trade barriers which obstruct the free flow of the affected commodity to market. Each such order or agreement

Order to set
out purposes
—Limitations.

Order may
provide for
advertising
programs,
removal of
trade barriers.

and all programs thereunder shall be directed toward increasing the sale of such commodity without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of such commodity nor disparage the quality, value, sale or use of any other agricultural commodity.

Order may provide for research.

SEC. 32. Any marketing agreement or order may provide for research in the production, processing and/or distribution of the affected commodity and for the expenditure of money for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington state university but if in the judgment of the director or his designee said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the director or his designee.

Order may provide for standards and grades.

SEC. 33. Any marketing agreement or order may contain provisions which directly provide for, or which authorize the director or his designee to provide by rules and regulations for, any one or more, or all, of the following: (1) establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for the affected commodity or any products thereof; (2) requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of the affected commodity and/or in offering, advertising and/or delivering it therefore; (3) providing for inspection and enforcement to ascertain and effectuate compliance; (4) establishing rules and regulations respecting the foregoing; (5) providing that the director or his designee shall carry out inspection and enforcement of, and may (within the general provisions of the

agreement or order) establish detailed provisions relating to, such standards and grades and such rules and regulations: *Provided*, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of this act.

SEC. 34. Any marketing agreement or order may contain provisions prohibiting and/or otherwise regulating any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, the commodity which forms the subject matter of such agreement or order or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

Order may prohibit certain selling practices.

(1) Paying rebates, commissions or unearned discounts;

(2) Giving away or selling below the true cost (which includes all direct and indirect costs incurred to the point of sale plus a reasonable margin of mark-up for the seller) any of the affected commodities or of any other commodity or product thereof;

(3) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(4) Discriminating between customers, or suppliers of like class;

(5) Using the affected or any other commodity or product thereof as a loss leader or using any other device whereby for advertising, promotional, come-

on or other purposes such commodity or product is sold below its fair value;

(6) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons. Such regulation shall not prevent any person (a) from selling below cost to liquidate excess inventory which cannot otherwise be moved, or (b) from meeting the equally low legal price of any competitor within any one trading area during any one trading period and the director may define in said marketing agreement or order said trading area and said trading period in accordance with generally accepted industry practices; but in any event the burden of proving that such selling was to meet the equally low legal price of a competitor or to liquidate said excess inventory shall be upon the person who sells below cost as above defined. Any marketing agreement or order may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

Order shall designate "production area" or "marketing area".

SEC. 35. Every marketing agreement and order shall define the area to which it applies which may be all or any contiguous portion of the state. Such area may be defined as a "production area" in which case such agreement or order shall regulate or apply with respect to all of the commodity specified in such agreement or order which is produced within such production area and sold, marketed or delivered for sale or marketing. Such area may be defined as a "marketing area" in which case such agreement or order shall regulate or apply with respect to all of the commodity specified in such agreement or order which is sold or marketed or delivered for sale or

marketing or distribution or processing or consumption within such marketing area.

SEC. 36. Any marketing agreement or order may provide for marketing information and services to producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of the agricultural product purchased by handlers from producers.

Order may provide for marketing information and services.

SEC. 37. No marketing agreement or order or amendment thereto shall prohibit or discriminatorily burden the marketing in its area of any agricultural commodity or product thereof produced in any production area of the United States.

Order discriminatorily burdening specific area, unlawful.

SEC. 38. Any marketing agreement or order may contain any other, further and different provisions which are incidental to and not inconsistent with this act and which the director finds to be needed and reasonably adapted to effectuate the declared policies of this act. Such provisions shall set forth the detailed application of this act to the affected agricultural commodity. The director or his designee shall have the power to make rules and regulations of a technical or administrative nature under this act and/or under any agreement or order issued pursuant to this act.

Order may contain needed incidental matter.

SEC. 39. There is hereby levied, and the director or his designee shall collect, upon each and every affected unit of any agricultural commodity specified in any marketing agreement or order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold or marketed or delivered for sale or marketed by him, and which shall be paid by the handler thereof upon each and every such unit purchased or received for sale, processing or distribution by him: *Provided*, That such assessment shall be paid by producers only, if only producers are regulated by such agreement or

Annual unit assessment levied—Maximum.

order, and by handlers only, if only handlers are so regulated, and by both producers and handlers if both are so regulated. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all producers of such commodity, or by all handlers of such commodity, or by both producers and handlers of such commodity shall not exceed four percent of the total market value of all affected units sold or marketed or delivered for sale or marketing by all producers of such units during the year to which the assessment applies. However, the total amount of such annual assessment upon producers, or handlers, or both producers and handlers, of the below listed commodities shall not exceed the amounts per unit or the percentage of selling price stated after the names of the respective commodities below:

(1) Wheat, maximum, one-quarter cent per bushel.

Annual unit
assessment—
Determination
of rate.

SEC. 40. In every marketing agreement and order the director shall prescribe the per unit rate of such assessment, and such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited. Such rate may be altered or amended from time to time, but only upon compliance with the procedural requirements of this act. In every such marketing agreement, order and amendment the director shall base his determination of such rate upon the volume and price of sales of affected units (or units which would have been affected units had the agreement or order been in effect) during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such agreement, order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such agreement or order is amended as to such rate.

SEC. 41. The director shall prescribe in each marketing order and agreement the time, place and method for payment and collection of assessments under such order or agreement upon any uniform basis applicable alike to all producers subject to such assessment, and upon the same or any other uniform basis applicable alike to all handlers subject to such assessment. For such purpose the director may, by the terms of the marketing order or agreement, either:

Order to prescribe method for payment and collection of assessments—Alternative methods.

(1) Require stamps to be purchased from him or his designee and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to be cancelled immediately upon being attached and the date of cancellation placed thereon); or

(2) Require handlers to collect producer assessments from producers whose production they handle and remit the same to the director or his designee; or

(3) Require the person subject to the assessment to give adequate assurance or security for its payment.

Unless the director has otherwise provided in any marketing order or agreement, assessments payable by producers shall be paid prior to the time when the affected unit is shipped off the farm, and assessments payable to handlers shall be paid prior to the time when the affected units are received by or for the account of the first handler. No affected units shall be transported, carried, shipped, sold, marketed or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued.

SEC. 42. Moneys collected by the director or his designee pursuant to any marketing order or agreement from any assessment or as an advance deposit thereon, shall be used by the director or his designee only for the purpose of paying for expenses and

Disposition of moneys received as assessments.

costs arising in connection with the formulation, issuance, administration and enforcement of such order or agreement and carrying out its provisions together with a proportionate share of the overhead expenses of the department attributable to its performance of its duties under this act with respect to such marketing order or agreement.

Assessments, option to re-fund pro rata or carry over into new year.

SEC. 43. Any moneys collected or received by the director or his designee pursuant to the provisions of any marketing agreement or order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the director determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the director or his designee finds that the same will tend to effectuate such policies and purposes. Upon the termination of any marketing agreement or order, any and all moneys remaining, and not required to defray the expenses or repay the obligations incurred and undertaken pursuant to such agreement or order, shall be returned by the director upon a pro rata basis to all persons from whom such moneys were collected or received. However, if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use such moneys to defray expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing agreement or order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, the same shall be withdrawn from

Disposition of moneys on termination of order.

the approved depository and paid into the state treasury as unclaimed trust moneys.

SEC. 44. Any due and payable assessment herein levied in such specified amount as may be determined by the director or his designee pursuant to the provisions of this act and such agreement or order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the director or his designee when payment is called for by him. In the event any person fails to pay the director or his designee the full amount of such assessment or such other sum on or before the date due, the director or his designee may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the director or his designee may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

Assessment collection—Penalty for cost of enforcing unpaid assessment.

Civil action to collect.

SEC. 45. Prior to the issuance of any marketing agreement or order, the director may require the applicants therefor to deposit with him such amount of money as the director may deem necessary to defray the expenses of preparing and making effective such agreement or order. The director or his designee may reimburse the applicant from any moneys received by him under such agreement or order for any moneys so deposited by such applicant and/or for any necessary expenses incurred by such applicant in preparing and obtaining approval of such marketing agreement or order upon receipt of

Preliminary deposit for preparing order—Reimbursement.

a verified statement of such expense approved by the director or his designee.

“Marketing act revolving fund”.

SEC. 46. There shall be a fund known as the “marketing act revolving fund” which shall consist of all assessments, fees, penalties, forfeitures and all other moneys, income or revenue received or collected pursuant to the provisions of this act and of all marketing orders and agreements issued pursuant to this act. None of the provisions of RCW 43.01.050 shall be applicable to such fund nor to any of the moneys so received or collected.

RCW 43.01.050 inapplicable.

Depositories for fund— Financial responsibility required.

SEC. 47. The marketing act revolving fund shall be deposited in such banks and financial institutions as the director or his designee may select throughout the state which shall give to the director or his designee surety bonds executed by surety companies authorized to do business in the state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution. All moneys received by the director or his designee or by any administrator, board or employee, except an amount of petty cash for each day’s needs as fixed by the regulations, shall be deposited each day, and as often during the day as advisable, in the authorized depository.

Separate accounts for marketing orders in fund.

SEC. 48. The director and each of his designees shall deposit or cause to be deposited all moneys which are collected or otherwise received by them pursuant to the provisions of this act in a separate account or accounts separately allocated to each marketing order or agreement under which such moneys are collected or received, and such deposits and accounts shall be in the name of and withdrawable by the check or draft of the administrator or board or designated employee thereof established by such order or agreement. All expenses and disbursements incurred and made pursuant to the pro-

visions of any marketing agreement or order, including a pro rata share of the administrative expenses of the department of agriculture incurred in the general administration of this act and all orders and agreements issued pursuant thereto, shall be paid from, and only from, moneys collected and received pursuant to such order or agreement and all moneys deposited for the account of any order or agreement in the marketing act revolving fund shall be paid from said account of such fund by check, draft or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the director or his designee.

SEC. 49. The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the commodity board of the agreement or order concerned. The state auditor shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor and the director of agriculture.

Separate records, audits for marketing orders.

Books closed, when.

Copies of audit distributed.

State auditor's statement—Distribution.

Bonds re-
quired for
positions of
trust—
Premiums
from assess-
ments.

SEC. 50. The director or his designee shall require that a bond be given by every administrator, administrative board and/or employee occupying a position of trust under any marketing agreement or order, in such amount as the director or his designee shall deem necessary, the premium for which bond or bonds shall be paid from assessments collected pursuant to such order or agreement: *Provided*, That such bond need not be given with respect to any person covered by any blanket bond covering officials or employees of the state of Washington.

Director to be
furnished
information.

SEC. 51. All parties to any marketing agreement and all producers, handlers and other persons subject to any marketing order shall severally from time to time, upon the request of the director or his designee, furnish him with such information as he finds to be necessary to enable him to effectuate the declared policies of this act and the purposes of such agreement or order or to ascertain and determine the extent to which such agreement or order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemption from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director or his designee. For the purpose of ascertaining the correctness of any report made to the director or his designee pursuant to this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, the director or his designee is hereby authorized to examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents, or memoranda as he deems relevant and which are within the control:

Right to in-
spect records.

(1) Of any such party to such marketing agreement or any such producer or handler under such

marketing order from whom such report was requested, or

(2) Of any person having, either directly or indirectly, actual or legal control of or over such party, producer or handler of such records, or

(3) Of any subsidiary of any such party, producer, handler or person.

To carry out the purposes of this section the director or his designee upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind. Sections 8, 9, 10 and 11, together with such other regulations consistent therewith as the director may from time to time prescribe, shall apply with respect to any such hearing. All information furnished to or acquired by the director or his designee pursuant to this section shall be kept confidential by all officers and employees of the director and/or his designee and only such information so furnished or acquired as the director deems relevant shall be disclosed by him or them, and then only in a suit or administrative hearing brought at the direction or upon the request of the director or to which he or his designee or any officer of the state of Washington is a party, and involving the marketing agreement or order with reference to which the information so to be disclosed was furnished or acquired.

Right to hold hearings.

Information acquired as confidential—Exception.

Nothing in this section shall prohibit:

(1) The issuance of general statements based upon the reports of a number of persons subject to any marketing agreement or order, which statements do not identify the information furnished by any person, or

(2) The publication by the director or his designee of the name of any person violating any marketing agreement or order, together with a state-

ment of the particular provisions and the manner of the violation of the marketing agreement or order so violated by such person.

Violations
enumerated as
misdemeanor.

SEC. 52. It shall be a misdemeanor:

(1) For any person to violate any provision of this act or any provision of any marketing agreement or order duly issued by the director pursuant to this act.

(2) For any person to wilfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this act or any provision of any marketing agreement or order duly issued by the director pursuant to this act or to wilfully fail or refuse to furnish or render any such report, statement or record so required.

(3) For any person engaged in the wholesale or retail trade to fail or refuse to furnish to the director or his designee or his duly authorized agents, upon request, information concerning the name and address of the person from whom he has received an agricultural commodity regulated by a marketing agreement or order in effect and issued pursuant to the terms of this act and the grade, standard, quality or quantity of and the price paid for such commodity so received.

Penalty.

Every person convicted of any such misdemeanor shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or by imprisonment of not less than ten days nor more than six months or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense: *Provided*, That if the court finds that a petition pursuant to section 57 of this act was filed and prosecuted by the defendant in good faith and not for delay, no penalty shall be imposed under clause (1) of this section for such violations as occurred between the date upon which the defendant's petition was filed

Separate
offense.

with the director and the date upon which notice of the director's decision thereon was given to the defendant in accordance with section 57 and regulations prescribed pursuant thereto.

SEC. 53. Any person who violates any provisions of this act or any marketing agreement or order duly issued and in effect pursuant to this act or who violates any rule or regulation issued by the director and/or his designee pursuant to the provisions of this act or of any marketing agreement or order duly issued by the director and in effect pursuant to this act, shall be liable civilly for a penalty in an amount not to exceed the sum of five hundred dollars for each and every violation thereof. Any moneys recovered pursuant to this paragraph shall be allocated to and used for the purposes of the agreement or order concerned.

Civil liability
for violation—
Penalty.

Disposition of
moneys
received.

SEC. 54. The several superior courts of the state of Washington are hereby vested with jurisdiction:

Superior court
jurisdiction.

(1) Specifically to enforce this act and the provisions of each and every marketing agreement and order issued pursuant to this act and each and every term, condition and provision thereof;

(2) To prevent, restrain and enjoin pending litigation and thereafter permanently any person from violating this act or the provisions of any such agreement or order and each and every term, condition and provision thereof, regardless of the existence of any other remedy at law.

(3) To require pending litigation and thereafter permanently by mandatory injunction each and every person subject to the provisions of any such agreement or order to carry out and perform the provisions of this act and each and every duty imposed upon him by such marketing agreement or order.

The director or any administrator or board under any marketing agreement or order, in the name of

the state of Washington, or any person affected or regulated by or subject to any marketing order or agreement issued pursuant to this act upon joining the director as a party may bring or cause to be brought actions or proceedings for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by this act or by any marketing agreement or order issued pursuant to this act and said courts shall have jurisdiction of such cause and shall grant such relief upon proof of such violation or threatened violation or refusal.

Enforcement
—Duty of
attorney
general,
prosecuting
attorney.

SEC. 55. Upon the request of the director or his designee, it shall be the duty of the attorney general of the state of Washington and of the several prosecuting attorneys in their respective counties to institute proceedings to enforce the remedies and to collect the moneys provided for or pursuant to this act. Whenever the director and/or his designee has reason to believe that any person has violated or is violating the provisions of any marketing agreement or order issued pursuant to this act, the director and/or his designee shall have and is hereby granted the power to institute an investigation and, after due notice to such person, to conduct a hearing in order to determine the facts for the purpose of referring the matter to the attorney general or to the appropriate prosecuting attorney for appropriate action. The provisions contained in sections 8, 9, 10 and 11 shall apply with respect to such hearings.

Remedies
concurrent

SEC. 56. The remedies provided for in this section shall be in addition to, and not exclusive of, any other remedies or penalties provided for in this act or now or hereafter existing at law or in equity, and such remedies shall be concurrent and alternative and neither singly nor combined shall the same be exclusive.

SEC. 57. All proceedings held by the director for the promulgation of any marketing agreement or order and the amendment, modification, or dissolution thereof and all proceedings concerning the promulgation of any rules or regulations or the amendment or modification thereof and appeals therefrom shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended.

Chapter 34.04
RCW appli-
cable.

SEC. 58. In the event the director finds that it tends to effectuate the declared purposes of this act within the standards prescribed in this act, the director may issue a marketing agreement or order, applicable to the marketing, within the state of Washington of any agricultural commodity, containing like terms, provisions, methods and procedures as any license or order regulating the marketing of such commodity in interstate or foreign commerce, issued by the secretary of agriculture of the United States pursuant to the provisions of any law or laws of the United States. In selecting an administrator or the members of any board or other agency under such marketing order, the director may utilize the same persons as those serving in a similar capacity under such federal license or order, so as to avoid duplicating or conflicting personnel: *Provided*, That any administrator, board or agency so appointed by the director shall be responsible to the director for the performance of such of their duties as relate to the administration of any such marketing agreement or order issued by the director hereunder.

Order may
comply with
federal stand-
ards, utilize
personnel
serving under
federal order.

SEC. 59. The director and his designee are hereby authorized to confer with and cooperate with the legally constituted authorities of other states and of the United States, for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders, and the director is authorized to conduct joint hearings, issue joint or concurrent marketing agree-

Intergovern-
mental coop-
eration in
adminis-
tration.

ments or orders, for the purposes and within the standards set forth in this act, and may exercise any administrative authority prescribed by this act to effect such uniformity of administration and regulation.

Public's interest to be protected.

SEC. 60. The director shall protect the public interest and the interest of all consumers and producers of every agricultural commodity regulated by every marketing agreement and order issued pursuant to this act and shall neither take nor authorize any action which shall have for its purpose the establishment or maintenance of prices.

Act not to apply to operation of common carriers.

SEC. 61. Nothing in this act contained shall apply to any order, rule or regulation issued or issuable by the Washington public service commission or the interstate commerce commission with respect to the operation of common carriers.

Scope of act—Specific commissions excluded.

SEC. 62. Nothing in this act shall apply to nor alter nor change any provision of the statutes of the state of Washington relating to the apple advertising commission (RCW 15.24.010-.210 inclusive), to the soft tree fruits commission (RCW 15.28.010-.310 inclusive), or to dairy products commission (RCW 14.44.010-.180 inclusive), or to wheat commission (chapter 87, Laws of 1961, Senate Bill No. 305). No marketing agreement or order containing any of the provisions specified in sections 31 or 32 of this act shall be issued with respect to the respective commodities affected by said statutes unless and until any commission established by any such statute shall cease to perform the provisions of its respective statute. The provisions of this act shall have no application to any marketing agreement or order issued pursuant to the Washington agricultural enabling act of 1955 (RCW 15.66); except that any such marketing agreement or order issued pursuant to said 1955 act may be brought under this act upon compliance with the provisions of this act relating

to amendments of marketing agreements and orders, whereupon:

(1) The provisions of this act shall apply to and the provisions of said 1955 act shall cease to apply to such marketing agreement or order; and

(2) All assets and liabilities of, or pertaining to such agreement or order, and of any commission or agency established by it, shall continue to exist with respect to such agreement, order, commission or agency after being so brought under this act.

SEC. 63. Except for the provisions of section 41, nothing in this act shall apply to any person engaged in the canning, freezing, pressing, or dehydrating of fresh fruit or vegetables. Personnel excluded under act.

SEC. 64. Nothing in this act shall apply to any person engaged in growing of or processing green peas. Grower-processor exclusion.

SEC. 65. This act shall not repeal, amend or modify chapter 15.66 RCW, or any other law providing for the marketing of agricultural commodities and/or providing for marketing agreements or orders for such agricultural commodities, which shall be in existence on the date this act becomes effective. Savings.

SEC. 66. If any section, sentence, clause, or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite the fact that one or more sections, clauses or parts thereof be declared unconstitutional. Severability.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 257.

[H. B. 394.]

TOLL BRIDGE, FERRY PROPERTY—SALE TO GOVERNMENTAL ENTITY.

AN ACT relating to the sale of, issuance of leases, licenses and permits and granting of franchises for any property of the toll bridge authority and Washington state ferry system; and declaring an emergency.

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

Toll bridge, toll tunnel, toll road, ferry system property. Sale of to governmental entities authorized— Procedure.

SECTION 1. If the toll bridge authority deems that any land, including improvements thereon, is no longer required for toll bridge, toll tunnel, toll road or Washington state ferry system purposes and that it is in the public interest, the authority may negotiate for the sale of such land to the state or to any city, county, port district, or other political subdivision or municipal corporation of the state. The authority shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Permit, lease or license to use by governmental entities authorized.

SEC. 2. If the authority deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the authority may on application therefor issue a permit, lease or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the authority may prescribe.

Sale to be upon notice and bids.

SEC. 3. If the authority is of the opinion that any land, including improvements thereon, is no longer required for toll bridge, toll tunnel, toll road or Washington state ferry system purposes, the author-

ity shall offer it for sale upon notice and bids in the manner that contracts are let by the state highway commission.

SEC. 4. The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property, plus the value of the improvements thereon, computed on the basis of the reproduction value less depreciation. The authority may accept the highest and best bid, and certify the agreement for the sale to the governor, with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Sale
procedure.

SEC. 5. If the Washington state highway commission deems it not inconsistent with the use and operation of any facility of the toll bridge authority, the commission may grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities in the manner of granting franchises on state highways.

Granting of
franchises
authorized.

SEC. 6. Any moneys received pursuant to the provisions of this act shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility.

Disposition
of moneys
received.

SEC. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Emergency.

SEC. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 258.

[H. B. 395.]

TOLL FACILITIES AND FERRIES—CREDIT
PERMITS FOR PASSAGE.

AN ACT relating to the toll bridge authority and authorizing the issuance of permits for the passage of vehicles on toll facilities on a credit basis.

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

Issuance of permits for toll facilities on credit basis authorized.

SECTION 1. The toll bridge authority may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads or for the Washington state ferry system on a credit basis upon such terms and conditions as the authority shall deem proper.

Financial security may be required.

SEC. 2. The authority may require the holder of such a permit to furnish to and maintain in force with the authority a cash deposit or a corporate surety bond: *Provided*, That the authority may require the holder of such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with any of its terms.

SEC. 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the House February 26, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 259.

[H. B. 396.]

TOLL FACILITIES—PROHIBITED ACTS.

AN ACT relating to motor vehicles and the operation thereof upon toll facilities; providing penalties for evasion of tolls and improper operation of a vehicle within toll areas; and declaring an emergency.

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

SECTION 1. Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the Washington toll bridge authority or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, shall be guilty of a misdemeanor if:

Violations by users of toll facilities enumerated—Misdemeanors.

- (a) he refuses to pay, evades, or attempts to evade the payment of such tolls, or who shall use or attempt to use any spurious or counterfeit tickets, coupons or tokens for payment of any such tolls, or
- (b) he turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach or toll plaza where signs have been erected forbidding such turns, or

(c) he refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

Severability.

SEC. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

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

Passed the House February 28, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 260.

[H. B. 402.]

CITIES OF FIRST CLASS—RETIREMENT,
DISABILITY PLANS.

AN ACT relating to municipal corporations; and amending sections 14 and 16, chapter 207, Laws of 1939 and RCW 41.28.130 and 41.28.150.

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

RCW 41.28.130 amended.

SECTION 1. Section 14, chapter 207, Laws of 1939 and RCW 41.28.130 are each amended to read as follows:

Personnel in certain first class cities, retirement, service retirement allowances.

(1) A member, upon retirement from service, shall receive a retirement allowance subject to the provisions of paragraph (2) of this section, which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, equal to the annuity purchased by the accumulated normal contributions of the member.

(c) For any member having credit for prior service an additional pension, purchased by the contributions of the city equal to one and one-third percent of the final compensation, multiplied by the number of years of prior service credited to said member, except that if a member shall retire before attaining the age of sixty-two years, the additional pension shall be reduced to an amount which shall be equal to a lesser percentage of final compensation, multiplied by the number of years of prior service credited to said member, which lesser percentage shall be applied to the respective ages of retirement in accordance with the following tabulation:

Retirement age	Percentage
62	1.333
61	1.242
60	1.158
59	1.081
58	1.010
57	0.945
56	0.885
55	0.829
54	0.778
53	0.731
52	0.687
51	0.646
50	0.608

(2) If the retirement allowance of the member as provided in this section, exclusive of any annuity purchased by his accumulated additional contributions, is in excess of two-thirds of his final salary, the pension of the member, purchased by the con-

tributions of the city, shall be reduced to such an amount as shall make the member's retirement allowance, exclusive of any annuity purchased by his accumulated additional contributions, equal to two-thirds of his final salary, and the actuarial equivalent of such reduction shall remain in the retirement fund to the credit of the city.

(3) Any member, who enters the retirement system on July 1, 1939, or who enters after that date and who is given the credit for prior service, and who is retired by reason of attaining the age of seventy years, shall receive such additional pension on account of prior service, purchased by the contributions of the city, as will make his total retirement allowance not less than four hundred twenty dollars per year.

(4) Any member who, at the time of his retirement, has at least ten years of creditable service, as defined in this chapter, and who has attained the age of sixty-five years or over, shall receive such additional pension, purchased by the contributions of the city, as will make his total retirement allowance not less than nine hundred sixty dollars per year.

RCW 41.28.150
amended.

SEC. 2. Section 16, chapter 207, Laws of 1939 and RCW 41.28.150 are each amended to read as follows:

Disability
retirement
allowances—
Grounds for
denial.

(1) Upon retirement for disability, as herein above provided: *Provided*, The disability is not due to intemperance, wilful misconduct or violation of law, of which the board shall be the judge, a member shall receive a retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, which, together with his annuity provided by his accumulated normal contributions, shall make

the retirement allowance, exclusive of the annuity provided by his additional contributions equal to (i) one and one-fourth percent of his final compensation multiplied by the number of years of service which would be creditable to him were his services to continue until attainment by him of age sixty-two, but such retirement allowance shall not exceed one-fourth of such final compensation except where such one-fourth is less than nine hundred sixty dollars per year, then the member shall receive the minimum disability retirement allowance of nine hundred sixty dollars per year.

(2) If disability is due to intemperance, wilful misconduct or violation of law on the part of the member, the board of administration in its discretion may pay to said member in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the retirement system.

(3) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board.

Passed the House February 17, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 261.

[H. B. 415.]

HEALTH CARE, GROUP INSURANCE FOR
SEWER AND WATER DISTRICTS.

AN ACT authorizing sewer districts and water districts to enter into contracts to provide health care services and/or group insurance, other than life insurance, for their employees; adding a new section to chapter 210, Laws of 1941 and to chapter 56.08 RCW; and adding a new section to chapter 114, Laws of 1929 and to chapter 57.08 RCW.

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

New section.

SECTION 1. There is added to chapter 210, Laws of 1941 and to chapter 56.08 RCW a new section to read as follows:

Sewer district powers. Procurement of health care services, group insurance for employees.

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, other than life insurance, for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance, other than life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

New section.

SEC. 2. There is added to chapter 114, Laws of 1929 and to chapter 57.08 RCW a new section to read as follows:

Water district powers. Procurement of health care services, group insurance for employees.

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance, other than life insurance, for the benefit of its employees and may pay all or any part of the cost

thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance, other than life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 262.

[H. B. 424.]

COUNTY ASSESSOR'S PLAT OF PROPERTY.

AN ACT relating to legal descriptions of real property.

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

SECTION 1. In any county where an assessor has and maintains an adequate set of maps drawn from surveys at a scale of not less than two hundred feet to the inch, the assessor may with the permission of the county commissioners, file an assessor's plat of the area, which when filed shall become the official plat for all legal purposes, provided:

(1) The plat is filed in the offices of the county auditor and the county assessor, together with a list of the existing legal descriptions and a list of the new legal descriptions as assigned by the county assessor;

(2) The recorded plat is drawn in such a manner that a ready reference can be made to the legal description in existence prior to the time of the

Official
assessor's
plat—
Qualifications
for.

filing of the assessor's plat and in conformance with existing statutes;

(3) The first year the tax roll and tax statement shall contain the prior legal description and the new legal description as assigned and shown on the assessor's plat with a notation that this legal description shall be used for all purposes;

(4) The county assessor shall maintain an index for reference to the prior and the existing legal descriptions of the parcels contained in the assessor's plats;

(5) Each dedicated plat after the effective date of this act shall be submitted to the county assessor of the county wherein the plat is located, for the sole purpose of assignment of parcel, tract, block and/or lot numbers and the county auditor shall not accept any such plat for filing unless the said plat carries a signed affidavit from the assessor to this effect, and a statement to the effect that the name of the plat shall be number in the county of

Passed the House February 26, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 263.

[Sub. H. B. 426.]

AERONAUTICS—MARKING STRUCTURES AND OBSTACLES.

AN ACT relating to aeronautics; and adding two new sections to chapter 165, Laws of 1947 and to chapter 14.04 RCW.

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

New sections.

SECTION 1. There is added to chapter 165, Laws of 1947 and to chapter 14.04 RCW two new sections as set forth in sections 2 and 3 of this amendatory act.

SEC. 2. Any structure or obstacle which obstructs the air space above ground or water level, when determined by the commission after a hearing to be a hazard or potential hazard to the safe flight of aircraft, shall be plainly marked, illuminated, painted, lighted or designated in a manner to be approved in accordance with the general rules and regulations of the commission so that the same will be clearly visible to airmen. In determining which structures or obstacles constitute or may become a hazard to air flight, the commission shall take into account only those obstacles located at river, lake and canyon crossings and in other low altitude flight paths usually traveled by aircraft.

Aeronautics commission. Commission to determine hazards to air space, require marking of.

SEC. 3. The director shall have the authority to require owners, operators, lessees or others having the control or management of structures or obstacles over one hundred fifty feet above ground or water level and which are or may become a hazard to air flight to report the location of such existing or proposed structures or obstacles to the commission. For that purpose the director may issue subpoenas and subpoenas duces tecum returnable within twenty days to the commission. In the event a person refuses to obey the director's subpoena, the commission may certify to the superior court all facts of any such refusal. The court shall summarily hear evidence on such refusal, and, if the evidence warrants, punish such person refusing in the same manner and to the same extent as for contempt committed before the court.

Location of structures to be reported to commission—Enforcement.

SEC. 4. This act shall not apply to structures required to be marked by federal regulations.

Excluded structures.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 264.

[H. B. 445.]

LIEN FOR FURNISHING FERTILIZER, PESTICIDE OR WEED KILLER.

AN ACT relating to statutory liens.

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

Crop lien for furnishing fertilizer, pesticide or weed killer. Authorized—Scope.

SECTION 1. (1) Any person who furnishes commercial fertilizer, and/or pesticide, and/or weed killer to another for use on the lands owned, contracted to be purchased, used or rented by him, may have a lien upon all the crops on which the fertilizer, and/or pesticide, and/or weed killer are used to secure the payment of the purchase price thereof: *Provided*, That if the commercial fertilizer, and/or pesticide, and/or weed killer is furnished to any tenant farmer, the lien shall apply only to the tenant farmer's interest in the crops unless written consent of the owner of the premises is obtained: *Provided further*, That such lien shall be subordinate to any crop lien or crop mortgage which has been filed for record prior to the furnishing of such materials or products.

(2) If the crop, or any part thereof, is sold subsequent to the filing of the lien, or possession delivered to an agent, broker, cooperative agency or other person to be sold or otherwise disposed of and its identity lost, or the crop commingled with other property so that it cannot be segregated, and if the purchaser, agent, broker, cooperative agency or other person is notified of the filing of the lien by being served with a certified copy thereof, the lien shall attach to the proceeds of the sale of the crop or part thereof remaining in the possession of the purchaser, agent, broker, cooperative agency or other person at the time of the notice and to any proceeds of such sale that may thereafter come into the possession

of any of such persons and the lien shall be as effective against such proceeds as against the crop itself.

SEC. 2. Such lien claimant must within thirty days after the commencement of delivery of such materials and products, file for recording with the auditor of the county in which the crops or part thereof are raised, a claim of lien which shall be in substance in accordance with the provisions governing mechanics' liens in chapter 60.04 RCW, and foreclosed in the same manner as such liens, and such lien shall attach as of the date of such filing.

Claim filed,
when—
Foreclosure
procedure.

SEC. 3. An action to foreclose such lien shall be brought within twelve calendar months after filing the claim for lien, and the court shall allow as part of the costs, the money paid for making, filing, or recording the claim and reasonable attorney's fee.

Foreclosure
action, when
—Costs.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 265.

[H. B. 472.]

AID TO DEPENDENT CHILDREN.

AN ACT relating to aid to dependent children assistance; and amending section 74.12.010, chapter 26, Laws of 1959 and RCW 74.12.010; and declaring an emergency.

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

SECTION 1. Section 74.12.010, chapter 26, Laws of 1959 and RCW 74.12.010 are each amended to read as follows:

RCW 74.12.010
amended.

For the purposes of the administration of aid to dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental

Aid to depend-
ent children.
Definitions.

support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives or his or their homes: *Provided*, That the director shall have discretion to provide that aid to dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent, and who is living with any of the relatives specified above, and who is otherwise eligible under the provisions of Title 74 RCW: *Provided further*, That such payments shall be authorized only when federal matching funds are available.

“Aid to dependent children” means money payments and services with respect to a dependent child or dependent children and the needy parents or relatives with whom the child lives.

Emergency.

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

SEC. 3. This act will terminate on June 30, 1963.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 17, 1961.

CHAPTER 266.

[H. B. 491.]

MOTOR VEHICLES—FLOATER LICENSE PLATES.

AN ACT relating to motor vehicles and licensing thereof; and adding four new sections to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.84 RCW.

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

SECTION 1. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.84 RCW a new section to read as follows:

Any owner eligible for proportional registration and licensing pursuant to RCW 46.84.020 but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16, and payment of excise taxes and fees imposed by chapter 82.44 and RCW 81.80.320, apply to the director of licenses for issuance of a special "floater" license plate.

SEC. 2. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.84 RCW a new section to read as follows:

Application for each "floater" license plate shall be made upon forms prescribed by the director and shall be accompanied by a fee equivalent to double the total annual fees and taxes which would be due under the provisions of chapters 46.16 and 82.44 and RCW 81.80.320 for licensing a semitrailer to the maximum gross weight of thirty-one thousand nine hundred ninety nine pounds together with such additional fees, including filing and special fees, as are applicable upon annual registration and licensing of a semitrailer.

New section.

SEC. 3. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.84 RCW a new section to read as follows:

Use interchangeably, intracity.

Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Use violation, penalty.

Every violation of this section shall be punishable as a misdemeanor and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

Plate confiscation.

New section.

SEC. 4. There is added to chapter 12, Laws of 1961 (House Bill No. 2) and chapter 46.84 RCW a new section to read as follows:

Plate design, size, source.

Each "floater" license plate shall be of distinctive design and shall be of such size and contain such symbols as are prescribed by the director. All such plates shall be obtained from the metal working plant of the state penitentiary at Walla Walla, if available therefrom, and shall upon application therefor and payment of all fees, be furnished in the manner provided for the annual licensing of vehicles of like class.

Passed the House March 1, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 267.

[H. B. 513.]

SEWER DISTRICT COMMISSIONERS ASSOCIATION.

AN ACT relating to sewer districts; providing for the association of sewer district commissioners; and adding a new section to chapter 56.08 RCW.

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

SECTION 1. There is added to chapter 56.08 RCW New section. a new section to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: *Provided*, That the aggregate contributions made to the association by the district in any calendar year shall not exceed one-tenth of one mill of the tax valuation of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Sewer districts. Commissioner associations authorized.

Financial contribution from district—Maximum.

Financial records audited.

Passed the House February 27, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 268.

[H. B. 516.]

MUNICIPAL OFFICERS—CODE OF ETHICS.

AN ACT relating to the conduct of certain public officers; providing remedies and penalties; adding a new chapter to Title 42 RCW; amending section 13, chapter 241, Laws of 1907, and RCW 35.23.230; amending section 3, chapter 320, Laws of 1959, and RCW 42.22.030; amending section 17, chapter 116, Laws of 1911 and RCW 35.17.140, 35.17.150 and 35.17.160; amending section 8, page 287, Laws of 1909, as amended by section 6, chapter 90, Laws of 1919 and RCW 28.58.290 and 28.58.310; repealing section 32, chapter 184, Laws of 1915, as amended by section 1, chapter 57, Laws of 1941 and RCW 35.24.040 and RCW 35.24.170; repealing section 176, page 215, Laws of 1889-90, as amended by section 2, chapter 57, Laws of 1941, and RCW 35.27.150; and section 1, chapter 97, Laws of 1895, and RCW 36.32.190.

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

New chapter.

SECTION 1. There is added to Title 42 RCW a new chapter as set forth in sections 2 through 6 of this amendatory act.

Purpose.

SEC. 2. It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in this act, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

SEC. 3. For the purpose of this act:

(1) "Municipality" shall include all counties, cities, towns, districts, and other municipal corporations and quasi municipal corporations organized under the laws of the state of Washington;

(2) "Municipal officer" and "officer" shall each include all elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer;

(3) "Contract" shall include any contract, sale, lease or purchase;

(4) "Contracting party" shall include any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with a municipality.

SEC. 4. No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

Definitions.

"Municipality".

"Municipal officer".
"officer".

"Contract".

"Contracting party".

Municipal officers not to be interested in municipal contracts.

Exceptions.

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month; and any other contract in such a municipality except a sale or lease by the municipality as seller or lessor: *Provided*, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed two hundred dollars in any calendar month: *Provided further*, That a port district as lessor may lease port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest.

"Remote interest" not deemed interest in contract.

SEC. 5. A municipal officer shall not be deemed to be interested in a contract, within the meaning of section 4 of this act, if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the municipality of which he is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its

membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

"Remote interest" defined.

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

(3) That of a landlord or tenant of a contracting party;

(4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section shall be applicable to any officer interested in a contract, though his interest be only remote, who influences or attempts to influence any other officer of the municipality of which he is an officer to enter into the contract.

SEC. 6. Any contract made in violation of the provisions of this act shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this act shall be liable to the municipality of which he is an officer for a penalty in the amount of three hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon him by law.

Violation voids contract.

Official liability for violation.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this act shall work a forfeiture of his office.

SEC. 7. Section 13, chapter 241, Laws of 1907, and RCW 35.23.230 are each amended to read as follows:

RCW 35.23.230 amended.

Second class cities. Restrictions on official conduct.

In addition to any other restrictions upon his official conduct imposed by law, no officer of a city of the second class shall:

(1) Accept from any railroad or street railway corporation, operating in whole or in part within the city, any pass or free transportation or transportation upon any terms save such as are open to the public generally: *Provided*, That this provision shall not apply to police officers while on duty;

(2) Accept or receive, directly or indirectly, any commodity or thing of value from any public service corporation owning or enjoying a franchise granted by the city, free of charge or upon any terms save such as are open to the public generally.

The violation of any of the provisions of this section by any officer shall work a forfeiture of his office and warrant his removal therefrom by impeachment or other proper procedure and subject to forfeiture and recovery by judgment against him of all sums of money paid him as salary during the term in which the violation was committed up to the time of the recovery of judgment against him therefor. A civil action for the salary so forfeited may be commenced at any time in the name of the city in any court of competent jurisdiction.

RCW 42.22.030 amended.

SEC. 8. Section 3, chapter 320, Laws of 1959, and RCW 42.22.030 are each amended to read as follows:

Public employees. Activities in conflict with discharge of duties prohibited.

No officer or employee of a state agency or legislative employee shall have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest.

SEC. 9. Section 17, chapter 116, Laws of 1911 (heretofore divided and codified as RCW 35.17.140, 35.17.150, and 35.17.160) is amended to read as set

forth in sections 10 through 12 of this act, RCW 35.17.140 being hereby repealed.

SEC. 10. RCW 35.17.140 is hereby repealed.

Repeal.

SEC. 11. (RCW 35.17.150) No officer or employee, elected or appointed, shall receive from any enterprise operating under a public franchise any frank, free ticket, or free service or receive any service upon terms more favorable than are granted to the public generally: *Provided*, That the provisions of this section shall not apply to free transportation furnished to policemen and firemen in uniform nor to free service to city officials provided for in the franchise itself.

RCW 35.17.150 enacted without amendment.

Any violation of the provisions of this section shall be a misdemeanor.

SEC. 12. (RCW 35.17.160) Any appointive officer or employee of the city who in any manner exerts his influence to induce other officers or employees of the city to favor any particular candidate for any city office or who contributes anything in any way to any person for election purposes shall be discharged by the commission.

RCW 37.17.160 enacted without amendment.

SEC. 13. Section 8, page 287, Laws of 1909, as amended by section 6, chapter 90, Laws of 1919 (heretofore divided and codified as RCW 28.58.290 and 28.58.310) is amended to read as set forth in sections 14 and 15 of this act, RCW 28.58.290 being hereby repealed.

SEC. 14. RCW 28.58.290 is hereby repealed.

Repeal.

SEC. 15. (RCW 28.58.310) The actual expenses of school directors in going to, returning from and attending directors' meetings or other meetings called or held pursuant to statute shall be paid to them. Likewise, the expenses of school superintendents and other school representatives chosen by the directors to attend any conferences or meetings or to attend to any urgent business at the behest

RCW 28.58.310 enacted without amendment.

of the state superintendent of public instruction or the board of directors shall be paid to them.

City charter controls act.

SEC. 16. If any provision of this act conflicts with any provision of a city charter, the city charter shall control.

Repeal.

SEC. 17. Section 32, chapter 184, Laws of 1915, as amended by section 1, chapter 57, Laws of 1941 (heretofore divided and codified as RCW 35.24.040 and RCW 35.24.170) and RCW 35.24.040 and 35.24-.170 are each repealed.

Repeal.

SEC. 18. Section 176, page 215, Laws of 1889-90, as amended by section 2, chapter 57, Laws of 1941, and RCW 35.27.150; and section 1, chapter 97, Laws of 1895, and RCW 36.32.190 are each repealed.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 269.

[H. B. 521.]

PUBLIC ASSISTANCE—WORK RELIEF PROGRAMS.

AN ACT relating to public assistance and providing a work relief program; and adding six new sections to chapter 26, Laws of 1959 and chapter 74.04 RCW; and declaring an emergency.

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

New sections.

SECTION 1. There is hereby added to chapter 26, Laws of 1959 and chapter 74.04 RCW six new sections to read as set forth in sections 2 through 7 of this act.

Work relief program defined.

SEC. 2. The term work relief program shall be as defined for "work relief" in section 74.04.005(12) of chapter 26, Laws of 1959 and RCW 74.04.005(12).

SEC. 3. The state department of public assistance is empowered and directed to adopt such rules and regulations as will make a work relief program fair, efficient and workable.

Rules and regulations.

SEC. 4. When the state or any agencies thereof, a county, city or political subdivision of the state has undertaken or is about to undertake, a program which is for the benefit of the general public or any segment thereof, said state, county, city or political subdivision may enter into an agreement with the state department of public assistance wherein and whereby the department of public assistance may assign unemployed employable people who are eligible for general assistance to do and perform work and labor on behalf of said state, county, city or political subdivision and such person shall work for such state, county, city or political subdivision for the length of time necessary and required to earn at the going hourly rate prevailing in the area for labor of like kind, an amount of money equal to the amount being paid to such person as general assistance to be paid in lieu of said general assistance.

Unemployed employables seeking, receiving general assistance may be assigned public labor.

SEC. 5. The applicant for or recipient of general assistance who has been directed to report for work to the state, county, city or political subdivision may be denied general assistance or may be suspended for such time as may be fixed by rules and regulations of the department of public assistance if such individual without good cause:

Grounds for denial, suspension of general assistance under program.

(1) Fails or refuses to satisfactorily perform the labor or services as may be assigned to him;

(2) Fails or refuses to report to work under a work relief program when and as directed by the state, county, city or political subdivision or by his foreman, overseer or other supervisor therein;

(3) Abandons or repeatedly absents himself from work;

(4) Is insubordinate to his foreman, overseer or other supervisor therein;

(5) Fails or refuses to take due precaution for the safety of himself or others or to use safety clothing or equipment made available to him; or

(6) Is guilty of misconduct connected with such work.

Work relief programs to be approved.

SEC. 6. All work relief programs, before an applicant or recipient of public assistance shall be assigned shall have met the approval of the state department of public assistance: *Provided*, That the state, county, city or political subdivision utilizing general assistance applicants or recipients for work and labor shall clear such employment with the department of labor and industries and if the work or labor comes under the supervision or is covered by the department of labor and industries, all fees and charges for such coverage shall be paid by such state, county, city or political subdivision except that portion which is paid for medical aid and is properly chargeable to such applicant or recipient of general assistance.

Tranportation, equipment and supervision to be provided laborers.

SEC. 7. The state, county, city or political subdivision utilizing general assistance applicants or recipients for work and labor shall furnish, where necessary, transportation, protective clothing and necessary tools and equipment for individuals performing such work or labor and shall take such measures as are necessary to insure that adequate supervision is provided on all work relief programs.

Severability.

SEC. 8. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall for any reason be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other clause, sentence, paragraph, subdivision or section.

SEC. 9. This act is necessary for the immediate Emergency.
preservation of the public peace, health and safety,
the support of the state government and its existing
public institutions, and shall take effect immediately.

Passed the House February 28, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 270.

[H. B. 527.]

COUNTY TREASURER—FEES—REFUND COSTS.

AN ACT relating to local governmental units; providing for certain official fees; prescribing refund procedure; amending section 84.69.070, chapter 15, Laws of 1961 and RCW 84.69.070; and adding a new section to chapter 36.29 RCW.

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

SECTION 1. There is added to chapter 36.29 RCW New section.
a new section to read as follows:

The county treasurer, in all instances where required by law to handle, collect, disburse and account for the funds collected pursuant to the assessment roll of any political subdivision within the county, may charge and collect a fee for his services according to but not to exceed the following schedule:

County treasurer may collect servicing fees on assessment rolls.

For up to a five year term assessment roll, a fee of two dollars per account;

For a six to ten year term assessment roll, a fee of three dollars per account;

For an eleven to fifteen year term assessment roll, a fee of four dollars per account;

For an assessment roll of over fifteen years, a fee of five dollars per account.

Such fees shall be a charge against the district, shall be included as a part of the cost of the improve-

ment, and shall be credited to the county current expense fund by the county treasurer from moneys received following publication of the assessment roll. The provisions of this section shall not apply to irrigation district assessments.

Exemption.

RCW 84.69.070 amended.

SEC. 2. Section 84.69.070, chapter 15, Laws of 1961 and RCW 84.69.070 are each amended to read as follows:

Property taxes. Refunds with respect to taxing districts.

Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 271.

[Sub. H. B. 559.]

JUDICIAL COUNCIL—COMPOSITION.

AN ACT relating to the composition of the judicial council; and amending section 1, chapter 45, Laws of 1925 extraordinary session as amended by section 1, chapter 40, Laws of 1955, and RCW 2.52.010.

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

SECTION 1. Section 1, chapter 45, Laws of 1925 extraordinary session as amended by section 1, chapter 40, Laws of 1955 and RCW 2.52.010 are each amended to read as follows:

RCW 2.52.010
amended.

There is hereby established a judicial council which shall consist of the following:

Judicial
council.
Created—How
constituted.

(1) The chief justice and one other judge of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

(3) Two members of the state senate, one of whom will be the chairman of the senate judiciary committee and the other to be designated by the chairman; two members of the state house of representatives to consist of the chairman of the house of representatives committee on judiciary-civil, and the chairman of the house of representatives committee on judiciary-criminal;

(4) The dean of each recognized school of law within this state;

(5) Three members of the bar who are practicing law and one of whom is a prosecuting attorney, to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court; and

(6) The attorney general.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 272.

[H. B. 606.]

PARK AND RECREATION DISTRICTS—
FOURTH CLASS COUNTIES.

AN ACT relating to park and recreation districts; and amending section 1, chapter 58, Laws of 1957 as amended by section 1, chapter 304, Laws of 1959, and RCW 36.69.010; amending section 2, chapter 58, Laws of 1957 as amended by section 2, chapter 304, Laws of 1959, and RCW 36.69.020; amending section 3, chapter 58, Laws of 1957 as amended by section 3, chapter 304, Laws of 1959 and RCW 36.69.030; amending section 13, chapter 58, Laws of 1957 as amended by section 5, chapter 304, Laws of 1959, and RCW 36.69.130; amending section 14, chapter 58, Laws of 1957 as amended by section 6, chapter 304, Laws of 1959 and RCW 36.69.140; amending section 20, chapter 58, Laws of 1957 as amended by section 7, chapter 304, Laws of 1959, and RCW 36.69.190; and amending section 33, chapter 58, Laws of 1957 as amended by section 9, chapter 304, Laws of 1959, and RCW 36.69.900.

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

RCW 36.69.010 amended.

SECTION 1. Section 1, chapter 58, Laws of 1957 as amended by section 1, chapter 304, Laws of 1959, and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts. Authorized.

Park and recreation districts are hereby authorized to be formed in Class AA counties and in counties of the second, fourth, eighth or ninth class as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

RCW 36.69.020 amended.

SEC. 2. Section 2, chapter 58, Laws of 1957 as amended by section 2, chapter 304, Laws of 1959 and RCW 36.69.020 are each amended to read as follows:

Formation of district by petition—Procedure.

The formation of a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included

therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person signing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

SEC. 3. Section 3, chapter 58, Laws of 1957 as amended by section 3, chapter 304, Laws of 1959, and RCW 36.69.030 are each amended to read as follows:

A park and recreation district in Class AA counties and in counties of the second, fourth, eighth or ninth class may include any unincorporated area in the state and, when any part of the proposed district

RCW 36.69.030
amended.

Area which
may be in-
cluded—Reso-
lution of
governing
body of city
or town.

lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

RCW 36.69.130
amended.

SEC. 4. Section 13, chapter 58, Laws of 1957 as amended by section 5, chapter 304, Laws of 1959 and RCW 36.69.130 are each amended to read as follows:

Powers of
district.

Park and recreation districts in Class AA counties and in counties of the second, fourth, eighth or ninth class shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and, (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: *Provided*, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation district.

SEC. 5. Section 14, chapter 58, Laws of 1957 as amended by section 6, chapter 304, Laws of 1959, and RCW 36.69.140 are each amended to read as follows:

RCW 36.69.140 amended.

A park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to one and one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

Special levies authorized—
Bonds.

SEC. 6. Section 20, chapter 58, Laws of 1957 as amended by section 7, chapter 304, Laws of 1959, and RCW 36.69.190 are each amended to read as follows:

RCW 36.69.190 amended.

After a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the proposed additional territory shall vote upon the proposition for enlargement.

Additional area may be added to district.

RCW 36.69.900 amended.

SEC. 7. Section 33, chapter 58, Laws of 1957 as amended by section 9, chapter 304, Laws of 1959 and RCW 36.69.900 are each amended to read as follows:

Short title.

This chapter may be cited as the "Recreation Districts Act for Class AA counties and for counties of the second, fourth, eighth or ninth class."

Passed the House February 27, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 273.

[H. B. 636. 1]

COUNTIES—SALARY FUND IN AA, A AND FIRST CLASS.

AN Act relating to counties and funds thereof; amending section 1, chapter 14, Laws of 1933 extraordinary session as amended by section 1, chapter 94, Laws of 1935, and sections 2 and 3, chapter 14, Laws of 1933 extraordinary session and RCW 36.33.060; repealing section 36, page 314, Laws of 1890 and RCW 36.33.050; and declaring an emergency.

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

RCW 36.33.060 amended.

SECTION 1. Section 1, chapter 14, Laws of 1933 extraordinary session as amended by section 1, chapter 94, Laws of 1935, and sections 2 and 3, chapter 14, Laws of 1933 extraordinary session (heretofore combined and codified as RCW 36.33.060) are each amended to read as follows:

Salary fund —Class A, class AA and first class counties.

There is created in Class AA and Class A counties and counties of the first class a fund to be known as the salary fund, which shall be used for paying the salaries and wages of all officials and employees. Said salary fund shall be reimbursed from any county funds budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Any surplus in this fund which may accrue from

the cancellation of warrants shall be transferred to the current expense fund.

SEC. 2. Section 36, page 314, Laws of 1890 and RCW 36.33.050 are each repealed. Repeal.

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 27, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 274.

[H. B. 643.]

INDUSTRIAL INSURANCE.

AN ACT relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961, and RCW 51.32.050; amending section 51.32.060, chapter 23, Laws of 1961, and RCW 51.32.060; amending section 51.32.080, chapter 23, Laws of 1961, and RCW 51.32.080; amending section 51.32.090, chapter 23, Laws of 1961, and RCW 51.32.090; amending section 51.44.070, chapter 23, Laws of 1961, and RCW 51.44.070; amending section 51.16.020, chapter 23, Laws of 1961, and RCW 51.16.020; amending section 51.24.010, chapter 23, Laws of 1961, and RCW 51.24.010; and amending section 51.52.060, chapter 23, Laws of 1961, and RCW 51.52.060.

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

SECTION 1. Section 51.32.050, chapter 23, Laws of 1961 and RCW 51.32.050 are each amended to read as follows: RCW 51.32.050 amended.

(1) Where death results from the injury the expenses of burial not to exceed five hundred dollars shall be paid to the undertaker conducting the funeral. Workmen's compensation. Right to and amount. Death benefits.

(2) If the workman leaves a widow or invalid widower, a monthly payment of one hundred

twenty-five dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty-three dollars, for the next or second youngest child, twenty-seven dollars, and for each additional child, twenty dollars, but the total monthly payments shall not exceed two hundred forty-five dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or invalid widower, or dependent parent or parents, if there is no surviving widow or invalid widower of any such deceased workman shall be forthwith paid the sum of five hundred dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of one thousand five hundred dollars, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of sixty dollars shall be paid to each such child, but the total monthly payments shall not exceed three hundred dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of sixty dollars per month, but the total monthly payment shall not exceed three hundred dollars and any deficit shall be deducted proportionately among the beneficiaries.

(5) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly sup-

port actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed one hundred dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive one hundred twenty-five dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty-three dollars, for the next or second youngest child, twenty-seven dollars, and for each additional child, twenty dollars: *Provided*, That the total monthly payments shall not exceed two hundred forty-five dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive sixty dollars per month, but the total monthly payment to such children shall not exceed three hundred dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

SEC. 2. Section 51.32.060, chapter 23, Laws of 1961 and RCW 51.32.060 are each amended to read as follows: .

RCW 51.32.060
amended.

When the supervisor of industrial insurance shall determine that permanent total disability results

Permanent
total disability
compensation
—Personal
attendant.

from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of one hundred sixty-five dollars.

(2) If the workman has a wife or invalid husband, but no child, the sum of one hundred ninety dollars.

(3) If the workman has an able-bodied husband, but no child, the sum of one hundred fifty-five dollars.

(4) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivisions (2) and (3) shall be increased by thirty-three dollars for the youngest or only child, twenty-seven dollars for the next or second youngest child, and twenty dollars for each additional child, but the total monthly payments shall not exceed three hundred ten dollars to a workman with a wife, or invalid husband, or being a widow or widower, and having children, and shall not exceed two hundred seventy-five dollars to a married workman with children and having an able-bodied husband, and any deficit shall be deducted proportionately among the beneficiaries.

(5) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased one hundred dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(6) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

SEC. 3. Section 51.32.080, chapter 23, Laws of 1961 and RCW 51.32.080 are each amended to read as follows:

RCW 51.32.080 amended.

(1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Permanent partial disability—Specified—Unspecified—Injury after permanent partial disability.

LOSS BY AMPUTATION

Of one leg at the hip or the upper half of the thigh	\$9750.00
Of one leg at the knee or the lower half of the thigh	8250.00
Of one leg below the knee	5200.00
Of great toe with metatarsal bone thereof	1450.00
Of great toe at the proximal joint	975.00
Of great toe at the second joint	350.00
Of one other toe other than the great toe with the metatarsal bone thereof ..	975.00
Of second toe at proximal joint	350.00
Of third toe at proximal joint	350.00
Of fourth toe at proximal joint	350.00
Of fifth toe at proximal joint	225.00
Of one metatarsal bone on toe other than great toe	475.00
Of one arm so near the shoulder that an artificial arm cannot be worn	9750.00
Of the major arm at or above the elbow ..	8250.00
Of forearm at upper third	6825.00
Of the major hand at wrist	6350.00
Of thumb with metacarpal bone thereof ..	2425.00
Of thumb with proximal joint	1950.00
Of thumb at second joint	510.00
Of index or first finger at proximal joint ..	1400.00
Of index or first finger at second joint	975.00
Of index or first finger at distal joint	450.00
Of middle or second finger at proximal joint	810.00
Of middle or second finger at second joint	720.00
Of middle or second finger at distal joint ..	360.00
Of ring or third finger at proximal joint ..	720.00

Of ring or third finger at second joint	540.00
Of ring or third finger at distal joint	360.00
Of little or fourth finger at proximal joint	450.00
Of little or fourth finger at second joint ..	270.00
Of little or fourth finger at distal joint ..	180.00
Of metacarpal bone in finger except thumb	270.00

MISCELLANEOUS

Loss of one eye by enucleation	4875.00
Loss of sight of one eye	3900.00
Complete loss of hearing in both ears	6825.00
Complete loss of hearing in one ear	1950.00
Complete broken arch in foot	1950.00

(2) Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of eight thousand seven hundred and fifty dollars: *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of eight thousand seven hundred and fifty dollars. For disability to a member not involving amputation, not more than nine-tenths of the foregoing respective specified sums shall be paid: *Provided further*, That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five percent of the amounts hereinbefore enumerated: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly

compensation payments shall be reduced accordingly.

(3) If the injured workman is under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to the ten percent of the amount awarded to the minor workman.

(4) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(5) When the compensation provided for in subsections (1) and (2) exceeds one thousand dollars, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured workman in full, except that the first monthly payment shall be in the amount of one thousand dollars and interest shall be paid at the rate of five percent on the unpaid balance of such compensation commencing with the second monthly payment: *Provided*, That interest so paid shall not be charged to the cost experience of any employer but shall be borne wholly by the applicable class account: *Provided further*, That upon application of the injured workman the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured workman to the department and shall rest in the discretion of the department depending

upon the merits of each individual application: *Provided further*, That upon death of a workman all unpaid installments accrued, less interest, shall be paid in a lump sum amount to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

RCW 51.32.090
amended.

SEC. 4. Section 51.32.090, chapter 23, Laws of 1961 and RCW 51.32.090 are each amended to read as follows:

Temporary
total disability
—Partial res-
toration of
earning power
—When em-
ployer con-
tinues wages.

(1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), (3) and (4) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or invalid husband and no child, one hundred ninety dollars; injured workman with able-bodied husband, but no child, one hundred fifty-five dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, two hundred twenty-three dollars; (b) injured workman with able-bodied husband and one child, one hundred eighty-eight dollars; (c) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred fifty dollars; (d) injured workman with able-bodied husband and two children, two hundred fifteen dollars; and twenty dollars for each additional child, but the total monthly payments shall not exceed three hundred ten dollars to an injured workman with a wife or invalid husband, or being a widow or widower, and

having children, and shall not exceed two hundred seventy-five dollars to an injured workman with children and having an able-bodied husband and any deficit shall be deducted proportionately among the beneficiaries.

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of thirty consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

SEC. 5. Section 51.44.070, chapter 23, Laws of 1961 and RCW 51.44.070 are each amended to read as follows:

RCW 51.44.070
amended.

Funds. Trans-
fer from acci-
dent fund
accounts to
reserve fund—
Annuity table.

For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of three percent per annum.

RCW 51.16.020
amended.

SEC. 6. Section 51.16.020, chapter 23, Laws of 1961 and RCW 51.16.020 are each amended to read as follows:

Assessment
and collection
of premiums.
Basis for de-
termining
accident fund
premiums
—Cost
experience.

The amounts to be paid into the accident fund shall be determined as follows: The department shall, prior to the first day of January of each year, determine for each class and subclass, a basic premium rate for the ensuing calendar year and, in so doing, shall take into consideration: First, that no class shall be liable for the depletion of the accident fund for accidents happening in any other class; second, that each class shall meet and be liable for its own accidents; third, the cost experience of each class and subclass over the two year period immediately preceding July 1st of the year in which the basic rate is being fixed; fourth, the then condition of each class and subclass account.

The department shall also, prior to the first day of January of each year, determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and subclass account, applicable to the employer's operations or business and, in so doing, shall take into consideration the average cost experience of

each employer for each workman hour reported by him during each fiscal year in each such class or subclass over the five year period immediately preceding July 1st of the year in which the rate is being determined, and in so computing the cost experience of any employer, seventy-five percent of the average cost of pension claims shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall be required to pay for the accident fund shall be thirty percent of the basic rate, plus seventy percent of the employer's cost rate for each workman hour reported by him during each fiscal year over the five year period next preceding the then last July 1st, but in no case shall the total rate exceed one hundred sixty percent of the basic rate.

SEC. 7. Section 51.24.010, chapter 23, Laws of 1961 and RCW 51.24.010 are each amended to read as follows:

RCW 51.24.010 amended.

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the state for the benefit of the accident fund and the medical aid fund; if the other choice is made, the accident fund and the medical aid 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 title for such case: *Provided*, That the injured workman or if death results from his injury, his widow, children or de-

Actions at law for injury or death. Right of action against third party.

pendents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department for the benefit of the accident fund and the medical aid fund to the extent of such payments having been made by the department to the injured workman or if death results from his injury, his widow, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the state may be prosecuted or compromised by the department in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund or the medical aid fund may be made only with the written approval of the department. If such approval is not obtained, claim for the deficiency will be deemed to have been waived.

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the amount to be repaid to the state of Washington as a result of said action shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or his widow, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

RCW 51.52.060
amended.

SEC. 8. Section 51.52.060, chapter 23, Laws of 1961 and RCW 51.52.060 are each amended to read as follows:

Appeals.
Notice of ap-
peal—Time—
Withdrawal.

Any workman, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was

communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the workman or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: *Provided*, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: *And Provided*, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: *And Provided*, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: *Provided, further*, That the department, either before receiving a notice of appeal, or within thirty days thereafter, may modify, reverse or change any order, decision, or award, and the board shall thereupon deny the appeal.

SEC. 9. Section 6 of this amendatory act shall become effective January 1, 1962. Effective date of section 6.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 20, 1961.

***NOTICE OF REFERENDUM: CHAPTER 275, LAWS OF 1961**

Cliff Yelle, State Auditor, sponsored a referendum (Referendum Measure No. 33) against Chapter 275, Laws of 1961. The signature campaign was successful. As a consequence, this act will be submitted to the voters for acceptance or rejection at the November 6, 1962 state general election.

For this reason, whether or not said Chapter 275 will ever become effective law will not be known until after such state election has been held.

VICTOR A. MEYERS,
Secretary of State.

***CHAPTER 275.**

[H. B. 662.]

CITIES AND TOWNS—INDEPENDENT AUDITS.

AN ACT relating to auditing of accounts, and providing for the auditing of accounts of municipal corporations; adding five new sections to chapter 43.09 RCW; and amending section 8, chapter 76, Laws of 1909 and RCW 43.09.260.

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

New section.

SECTION 1. There is added to chapter 43.09 RCW a new section to read as follows:

Definitions.

As used in sections 1 through 5 of this amendatory act:

"Municipal corporation".

(1) "Municipal corporation" means a city or town.

"Board".

(2) "Board" means the state board of accountancy.

"Accountants".

(3) "Accountants" means and indicates all accountants whose names are included in the special roster prepared and maintained by the board, as required in section 5 of this amendatory act.

New section.

SEC. 2. There is added to chapter 43.09 RCW a new section to read as follows:

Independent audit of municipal corporation. Notice of.

Each municipal corporation, within ninety days before the end of its regular year, must notify the state auditor's office if the municipal corporation intends to have its fiscal affairs examined by an independent accountant included in the special roster maintained by the board under section 5 of this amendatory act. This notice must be in writing, indicating the accountant to be hired.

The state auditor will verify the accountant's registration with the board of accountancy list and shall notify the municipal corporation that the accountant has been approved by the board.

Notice of accountant's registration.

SEC. 3. There is added to chapter 43.09 RCW a new section to read as follows:

New section.

Audit of accounts and fiscal affairs of every municipal corporation which has elected to have audits made by an independent accountant as provided for in section 2 of this amendatory act shall be officially audited and examined at least once each fiscal year, or oftener if deemed advisable by the municipal corporation.

Audits annually—Contracts for—Compensation for.

The audits and examinations shall be by contracts entered into by the municipal corporation and accountants.

Municipal corporations may contract with accountants to make system installations or revisions deemed necessary by the municipal corporations.

Compensation shall be paid in the same manner as other claims against the municipal corporation are paid.

SEC. 4. There is added to chapter 43.09 RCW a new section to read as follows:

New section.

The state auditor, in cooperation with the board, shall prescribe the minimum standards of audit reports, certificates and audit procedures.

Standards for audit reports—Inspection.

Two copies of the audit reports shall be furnished to the state auditor who will review for compliance with minimum standards and will, in turn, forward one copy to the attorney general's office. If an audit report is found to be deficient, the state auditor shall so notify the attorney general for enforcing compliance with minimum standards.

SEC. 5. There is added to chapter 43.09 RCW a new section to read as follows:

New section.

The board shall prepare and maintain a special roster of accountants authorized to conduct the

Roster of accountants—
Examination for admission to.

municipal audits required by section 2 of this amendatory act. Admission to the roster shall be by examination conducted by the board at a time and place prescribed by the board, including sufficient notice. Only certified public accountants and licensed public accountants holding licenses to practice in the state of Washington shall be eligible to take the examination.

Roster fee.

Accountants passing the examination shall continue to be listed on the roster provided a fee of twenty-five dollars is paid annually. This fee shall be used by the board to defray the examination costs and roster cost.

RCW 43.09.260 amended.

SEC. 6. Section 8, chapter 76, Laws of 1909 and RCW 43.09.260 are each amended to read as follows:

State auditor. Examination of financial affairs of taxing districts—
Reports—
Action by attorney general.

The state auditor, the chief examiner, and every state examiner shall have power by himself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of townships, cities and towns, shall be made at least once every year, whether examined by a state examiner or by independent examiners as provided for in sections 1 through 5 of this amendatory act; all other examinations shall be made at least once a year, except for school districts, being once every two years.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his deputies, every state examiner and every person legally appointed to perform

such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Wilful false swearing in any such examination shall be perjury and punishable as such.

Except as provided in sections 1 through 5 of this amendatory act a report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or com-

promise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Passed the House March 2, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 276.

[S. B. 137.]

CLAIMS AGAINST IRRIGATION DISTRICTS
FOR DAMAGES.

AN ACT relating to irrigation districts; and amending section 36, page 690, Laws of 1890, as last amended by section 1, chapter 216, Laws of 1937, and RCW 87.08.030, 87.08.040 and 87.08.050.

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

SECTION 1. Section 36, page 690, Laws of 1890, as last amended by section 1, chapter 216, Laws of 1937 (heretofore divided and codified as RCW 87.08.030, 87.08.040 and 87.08.050) are divided and amended to read as set forth in sections 2 through 4 of this act.

SEC. 2. (RCW 87.08.030) The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all

RCW 78.08.030
amended.
Irrigation
districts.
Treasurer—
Duties—
Claims.

funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in this section and upon allowance it shall be attached to a voucher verified by the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment.

Any person having a claim for damages against the district must file a written preliminary notice of such claim with the secretary of the district within sixty days after the date of the commission of the act or omission which caused the alleged injury or damage or within sixty days after the date on which the alleged injury or damage became apparent to the claimant or should have been apparent to him had he acted as a reasonably prudent person: *Provided*, That in the event claimant's claim is for crop damage, such preliminary notice, notwithstanding the sixty day period herein specified, must be filed with the secretary of the district not less than three days prior to the severance of the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall accurately locate and describe the defect or other cause of the claimed injury or damage,

summarize the injury or damage, state the time when the same occurred, state claimant's present residence, and estimate the amount of damages. Such notice may be given by claimant or by anyone acting in his behalf. Thereafter, the claimant must file a claim in writing with the secretary of the district within two years from the date of filing of the preliminary notice. Said claim shall be sworn to by the claimant or by an attorney or agent of the claimant, and shall contain all of the information required in the preliminary notice and in addition shall describe the injury or damage in detail and list all items of damage claimed and the amount or amounts thereof. In lieu of filing the preliminary notice as required by this section, the claimant may file his final written claim within the same time limitation specified for filing the preliminary notice. Any claim not filed as required by this section, or for which preliminary notice has not been given as required by this section, shall be disallowed.

No action may be commenced against any irrigation district for any such claim until the same has been filed with the secretary of the district as required by this section and sixty days have elapsed after such filing. A suit upon a claim must be commenced within six months after notice of rejection of such claim by the board of directors of the district has been mailed to the claimant by certified mail or within six months from the date of filing of the claim, whichever is the later, and if not so commenced within such time limitation, the same shall be barred.

RCW 87.08.040
enacted
without
amendment.

SEC. 3. (RCW 87.08.040) The directors may provide by resolution that the secretary may deposit the following temporary funds in a local bank in the name of the district: (1) A fund to be known as "general fund" in which shall be deposited all moneys received from the sale of land, except such portion thereof as may be obligated for bond re-

demption, and all rentals, tolls, and all miscellaneous collections. This fund shall be transmitted to the district treasurer or disbursed in such manner as the directors may designate. (2) A fund to be known as "fiscal fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. (3) A "revolving fund" in such amount as the directors shall by resolution determine, acquired by the issue of coupon warrants or by transfer of funds by warrant drawn upon the expense fund. This fund may be disbursed by check signed by the secretary or such other person as the board may designate, in the payment of such current expenses as the board may deem necessary. This fund shall be reimbursed by sending the cancelled checks or copy of payrolls to the county auditor with a claim voucher specifying the fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the auditor to the "secretary's revolving fund."

SEC. 4. (RCW 87.08.050) The secretary or other authorized person shall issue receipts for all moneys received for deposit in such funds and he and any other person handling the funds shall furnish a surety bond to be approved by the board and the attorney for the district, in such amount as the board may designate and conditioned for the safekeeping of such funds and the premium thereon shall be paid by the district.

RCW 87.08.050
enacted
without
amendment.

Upon depositing any district funds the secretary shall demand and the depository bank shall furnish a surety bond, to be approved by the board and the attorney, in an amount equal to the maximum deposit, conditioned for the prompt payment of the deposits upon demand, and the bond shall not be canceled during the time for which it was written. Or the depository may deposit with the secretary or

in some bank to the credit of the district in lieu of the bond, securities approved by the board of a market value in an amount not less than the amount of the maximum deposit. All depositaries which have qualified for insured deposits under any federal deposit insurance act need not furnish bonds or securities, except for so much of the deposit as is not so insured.

Passed the Senate February 18, 1961

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 277.

[H. B. 455.]

CITIES AND TOWNS—JURISDICTION OVER ADJACENT WATERS. VALIDATION OF CERTAIN ANNEXATIONS.

AN ACT relating to cities and towns; amending section 15, page 141, Laws of 1890 and RCW 35.21.010 and 35.27.020; amending section 1, chapter 111, Laws of 1909 and RCW 35.21.160; and repealing section 1, chapter 109, Laws of 1951.

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

Section 1. Section 15, page 141, Laws of 1890 (heretofore divided and codified as RCW 35.21.010 and 35.27.020) is divided and amended as set forth in sections 2 and 3 of this act, and the provisions as contained in this act shall apply to all incorporation and annexation proceedings now pending or hereinafter initiated.

Sec. 2. (RCW 35.21.010) Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess, and dispose of property, subject to the restrictions contained in

Vetoed.

this title, have a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title.

Sec. 3. (RCW 35.27.020) No more than twenty acres of unplatted land belonging to any one person shall be taken into the limits of municipal corporations of the fourth class without the consent of the owner thereof, except that this limitation shall not be applicable to original incorporation proceedings. } Vetoed.

SEC. 4. Section 1, chapter 111, Laws of 1909 and RCW 35.21.160 are each amended to read as follows: } RCW 35.21.160 amended.

The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits. } Cities and towns. Jurisdiction over adjacent waters.

SEC. 5. Any annexation made to any city or town of the fourth class prior to the effective date of this 1961 amendatory act which is otherwise valid except for compliance with the limitation to the area of one square mile is hereby declared to be a valid annexation in all respects. } Prior annexations validated.

SEC. 6. Section 1, chapter 109, Laws of 1951 is hereby repealed. } Repeal.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961, with the exception of Sections 1, 2, and 3, which are vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,
excerpt.

"This Bill as amended would permit, on original incorporation proceedings, cities of the 4th class to include within the area of proposed incorporation, practically unlimited territories within a county. The law dealing with the powers of 4th class cities, was originally passed during the 1889-1890 Legislative session (Chapter 7, section 15, page 141). It provides that cities of the 4th class upon original incorporation, or in annexation proceedings, cannot include more than one square mile of territory. This law likewise prohibits 4th class cities from including more than 20 acres of unplatted lands belonging to any one owner without the consent of such owner.

"I am fully aware of the fact that the proponents of sections 1, 2, and 3 of this bill have many excellent arguments in favor why these sections should not be vetoed. Thus I sympathize with the view of the Fife School District which takes the position that if the City of Tacoma were to annex the area belonging to the Port of Tacoma, the tax base of the school district would be jeopardized. I also realize that there is some doubt as to whether or not by vetoing sections 1, 2, and 3 of this bill, section 5 thereof, validating previous annexations, can stand.

"On the other hand, the Association of Washington Cities has recommended that I veto sections 1, 2, and 3. This Association to my mind is the most authoritative source of information available to me with reference to problems related to cities and towns.

"I cannot help but feel that it is unjust and violative of the most fundamental principles of our form of government to permit a small group of people, such as 300 inhabitants, to incorporate and to include within such incorporation or annexation, without the consent of the owners of such areas, unlimited tracts of lands. To permit such action, to my mind, would permit a small minority to tax owners of large areas of land without their consent, and without representation in the city to be incorporated. I am also impressed by the fact that any action other than the action I am about to take, might seriously hamper the future development of the largest tract available to the Port of Tacoma for industrial development.

"The majority of the Council of the City of Tacoma have asked me to veto sections 1, 2, and 3 of this bill. The Tacoma Labor Council, the Pierce County Commissioners, the Tacoma Real Estate Board, and the Chamber of Commerce of the City of Tacoma have unanimously recommended that I veto sections 1, 2, and 3. Let me stress again, that I recognize the problem involved in the consideration of this bill is by no means a one-sided one, and it is exactly for these considerations that I have urged the Legislature to pass Senate Bill No. 95 which creates a Joint Legislative Committee on urban area development. This Committee, I am sure, will give full consideration to the problem presented to us by the instant Act. For this reason I feel that pending a full and complete study by this Joint Legislative Committee, the interests of the State will be best served by leaving the law as it now stands, and by vetoing sections 1, 2, and 3.

"Section 4 of this bill, as amended, merely restricts the jurisdiction of 4th class cities and towns bordering on lakes, sounds, or navigable waters, to the one square mile area.

"Section 5 purports to validate annexations made during the past ten years by 4th class cities and towns which annexed areas exceeding one square mile. This validation is necessary because the Supreme Court sitting *En banc* in the case of *PAROSA vs. THE CITY OF TACOMA*, and the *PORT OF TACOMA vs. HARRY SPRINKER, et al* (157 Washington Decisions, 307) declared a 1951 statute purporting to repeal the 1,000 acre limitation unconstitutional.

"Section 6 merely follows the result reached by the Supreme Court with reference to its construction of section 1, chapter 109, Laws of 1951, in the above captioned cases.

"For the reasons indicated, sections 1, 2, and 3 of House Bill No. 455 are vetoed; the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 278.

[Sub. S. B. 129.]

TOLL BRIDGE AUTHORITY—HIGHWAY COMMISSION—
COMPOSITION—POWERS AND DUTIES.

AN ACT relating to state government; changing the membership of the Washington toll bridge authority; relating to the powers and duties of the Washington toll bridge authority and the state highway commission; amending section 47.56.020, chapter 13, Laws of 1961 and RCW 47.56.020; amending section 47.56.030, chapter 13, Laws of 1961 and RCW 47.56.030; adding six new sections to chapter 13, Laws of 1961 and chapter 47.56 RCW; declaring an emergency; and providing effective dates.

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

SECTION 1. Section 47.56.020, chapter 13, Laws of 1961 and RCW 47.56.020 are each amended to read as follows:

RCW 47.56.020 amended.

There is hereby created the Washington toll bridge authority composed of the governor, two members of the state highway commission designated by said commission to serve at its pleasure, and two members appointed by the governor for terms of office as herein provided. The members appointed by the governor shall be known as appointive members. The director of highways shall be an ex officio member of said authority but without a vote.

Toll bridge authority. Created—Members—Compensation and expenses.

SEC. 2. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

New section.

Within ninety days after March 10, 1961, the governor shall appoint the first appointive members of the authority: One member to serve two years and one member to serve four years from the first day of July 1961. Upon expiration of said original terms subsequent appointments of the appointive members shall be for four years except in the case of vacancy, in which event appointment shall be

Appointive members—Terms.

only for the remainder of the unexpired term in which the vacancy has occurred.

Sec. 3. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

The two appointive members of the authority shall be residents of this state and shall have the following qualifications: No appointive member shall at the time of appointment or thereafter during his term of office reside in one part of the state, divided east and west by the summit of the Cascade mountains, in which the other appointive member of the authority resides. No appointive member of the authority shall at the time of appointment or thereafter during his term of office be a member of the same major political party in which the other appointive member of the authority is a member. No elective state official or state officer during the term of office to which he was elected or appointed or state employee shall be an appointive member of the authority.

Vetoed.

No appointive member of the authority shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the member in question.

New section.

SEC. 4. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

Members—
Per diem—
Expenses.

The appointive members and the highway commission members of the Washington toll bridge authority shall receive twenty-five dollars per diem for each day actually spent in performance of his

duties, but in no event shall such a member's per diem payment exceed three thousand dollars in any one year; nor shall a highway commission member's total per diem pay for serving on the highway commission and on the authority exceed forty-five hundred dollars in any one year. Each member of the authority shall receive his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the authority, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the authority.

SEC. 5. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

New section.

Notwithstanding the change in membership in the Washington toll bridge authority as provided in section 1 of this act, said authority as created by section 2, chapter 173, Laws of 1937, as last amended by section 20, chapter 285, Laws of 1955 shall be deemed to be a continuing agency of this state and shall continue to be vested with all the powers, functions, and duties heretofore vested in the Washington toll bridge authority.

Authority as continuing agency.

SEC. 6. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

New section.

The authority shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of the functions vested in it by law and said authority is hereby clothed with all necessary powers to carry out said functions. The authority shall appoint an executive secretary who shall serve at its pleasure and who shall be the chief administrative officer of the authority.

General powers—Executive secretary.

New section.

SEC. 7. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

Acts recorded
—Quorum.

The authority shall act collectively with recorded resolutions or motions adopted by a majority of the authority at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said authority. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the authority shall be adopted or passed without a favorable vote of at least three members.

RCW 47.56.030
amended.

SEC. 8. Section 47.56.030, chapter 13, Laws of 1961 and RCW 47.56.030 are each amended to read as follows:

Toll facilities,
ferries—High-
way commis-
sion in charge
of construc-
tion, operation
and mainte-
nance.

The state highway commission shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries that may be authorized by the Washington toll bridge authority, and the operation and maintenance thereof and the collection of tolls and charges thereon. The commission shall have full charge of design of all toll facilities. The commission shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable.

Authority
powers
performed
through state
highway com-
mission.

SEC. 9. All powers vested in the authority relating to the acquiring, operating, extending, designing, constructing, repairing and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the authority through the state highway commission: *Provided*, That the authority shall determine all fares, tolls and other charges for its facilities and shall directly perform

all duties and exercise all powers relating to financing, refinancing and fiscal management of the system's bonded indebtedness in the manner provided by law.

SEC. 10. There shall be in the state highway commission a division of toll facilities. The director of highways shall appoint, with the approval of the state highway commission, an assistant to be designated assistant director of toll facilities who shall have supervision of the division of toll facilities.

Division of toll facilities
—Assistant director.

SEC. 11. The assistant director of toll facilities shall be fully competent as an engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition shall have experience in bridge or highway construction for a period of not less than five years.

Assistant director of toll facilities—Qualifications.

SEC. 12. The division of toll facilities shall perform all functions vested by law in the state highway commission relating to acquisition, operation, design, construction, improvement, maintenance and repair of all toll bridges and other toll facilities, including the Washington state ferries.

Division of toll facilities—Functions.

SEC. 13. This act is necessary for the preservation of public peace, health and welfare, the support of state government and its existing public institutions, and sections 2 and 3 shall take effect immediately. Sections 1, 4, 5, 6, 7, 8, 9, 10, 11 and 12 shall take effect July 1, 1961.

Emergency.

Passed the Senate February 23, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 3, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,
excerpt.

"This bill, which is sponsored by the Committee on Highways, completely revamps and reorganizes the Washington Toll Bridge Authority. It removes from the Toll Bridge Authority the State Auditor, the Chairman of the Public Service Commission, the Chairman of the State Highway Commission, and the Director of General Administration.

"The members removed are replaced by two members of the State Highway Commission designated by the Commission, and two members appointed by the Governor, leaving the Governor as a member of the Commission.

"Section 3 of this bill provides that one of the members appointed by the Governor shall reside east of the Cascades; the other one west thereof. It also provides that one member each, shall be selected from each of the major political parties. The section further provides that no elected state official or state officer shall be appointed by me to the Authority. The section further provides that members of the Authority can be removed only for specified grounds after a hearing in the Superior Court of the State of Washington in and for Thurston County.

"It is my considered judgment that there is no need that one of the two members of this Authority to be appointed by me reside east of the Cascade Mountains. I expect that the Highway Commission will elect one of the members designated by the Commission to be a member whose residence is east of the Cascade Mountains. Secondly, it should be recognized that meetings of the membership of this Authority will be frequent. Members appointed from east of the Cascades may not attend the frequent meetings which will be called and which will take place at the State Capitol. The major function of the Authority deals with problems related to the State ferry system. In addition, most of the toll facilities will be located west of the Cascades. Therefore, reason demands that the majority of the members of this Authority should reside west of the Cascades. I also believe it would be unwise to categorically refuse membership on this Authority to elected or appointed State officials. By virtue of their residence, and their experience in governmental affairs, I would consider it a serious mistake to deprive ourselves of the services of a well trained and qualified individual who may be a State officer, from serving on the Authority.

"For the reasons indicated, section 3 of the bill is vetoed. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 279.

[S. B. 383.]

QUALIFICATIONS OF LEGAL NEWSPAPER.

AN ACT relating to legal publications; and amending section 1, chapter 99, Laws of 1921, as amended by section 3, chapter 213, Laws of 1941, and RCW 65.16.020.

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

SECTION 1. Section 1, chapter 99, Laws of 1921, as amended by section 3, chapter 213, Laws of 1941, and RCW 65.16.020 are each amended to read as follows:

RCW 65.16.020
amended.

The qualifications of a legal newspaper are that such newspaper shall have been published regularly, at least once a week, in the English language, as a newspaper of general circulation, in the city or town where the same is published at the time of application for approval, for at least six months prior to the date of such application; shall be compiled either in whole or in part in an office maintained at the place of publication; shall contain news of general interest as contrasted with news of interest primarily to an organization, group or class; and shall hold a second class mailing permit: *Provided*, That in case of the consolidation of two or more newspapers, such consolidated newspaper shall be considered as qualified if either or any of the papers so consolidated would be a qualified newspaper at the date of such legal publication, had not such consolidation taken place: *Provided*, That this section shall not disqualify as a legal newspaper any publication which, prior to the effective date of this amendatory act, was adjudged a legal newspaper, so long as it continues to meet the requirements under which it qualified.

Legal
publications.
Qualifications
of a legal
newspaper.

Passed the Senate February 24, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 280.

[S. B. 246.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; and amending section 30.04.090, chapter 33, Laws of 1955 as last amended by section 2, chapter 106, Laws of 1959 and RCW 30.04.090; amending section 30.08.080, chapter 33, Laws of 1955 and RCW 30.08.080; adding a new section to chapter 30.16 RCW; amending section 30.20.020, chapter 33, Laws of 1955 and RCW 30.20.020; amending section 30.20.060, chapter 33, Laws of 1955, as amended by section 5, chapter 106, Laws of 1959 and RCW 30.20.060; adding two new sections to chapter 30.20 RCW; amending section 30.20.015, chapter 33, Laws of 1955 and RCW 30.20.015; and amending section 32.12.030, chapter 13, Laws of 1955 and RCW 32.12.030.

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

RCW 30.08.080 amended.

SECTION 1. Section 30.08.080, chapter 33, Laws of 1955 and RCW 30.08.080 are each amended to read as follows:

Banks and trust companies. Organization and powers. Extension of existence—Application—Order—Appeal.

At any time not less than one year prior to the expiration of the time of the existence of any bank, trust company or mutual savings bank, it may by written application to the supervisor, signed and verified by a majority of its directors and approved in writing by the owners of not less than two-thirds of its capital stock, apply to the supervisor for leave to file amended articles of incorporation, extending its time of existence. Prior to acting upon such application, the supervisor shall make such investigation of the applicant as he deems necessary. If he determines that the applicant is in sound condition, that it is conducting its business in a safe manner and in compliance with law and that no reason exists why it should not be permitted to continue, he shall issue to the applicant a certificate authorizing it to file amended articles of incorporation extending the time of its existence until such time as it be dissolved by the act of its shareholders owning not less than

two-thirds of its stock, or until its certificate of authority becomes revoked or forfeited by reason of violation of law, or until its affairs be taken over by the supervisor for legal cause and finally wound up by him. Otherwise he shall notify the applicant that he refuses to grant such certificate. The applicant may appeal from such refusal in the same manner as in the case of a refusal to grant an original certificate of authority. Otherwise the determination of the supervisor shall be conclusive.

Upon receiving a certificate, as hereinabove provided, the applicant may file amended articles of incorporation, extending the time of its existence for the term authorized, to which shall be attached a copy of the certificate of the supervisor. Such articles shall be filed in the same manner and upon payment of the same fees as for original articles of incorporation.

Should any bank, trust company or mutual savings bank fail to continue its existence in the manner herein provided and be not previously dissolved, the supervisor shall at the end of its original term of existence immediately take possession thereof and wind up the same in the same manner as in the case of insolvency.

SEC. 2. Section 30.20.020, chapter 33, Laws of 1955, and RCW 30.20.020 are each amended to read as follows:

On the death of any depositor of any bank or trust company, such bank or trust company may pay to the surviving spouse, the moneys in said bank or trust company on deposit to the credit of said deceased depositor in cases where the amount of deposit does not exceed the sum of one thousand dollars upon receipt of an affidavit from the surviving spouse, to the effect that the depositor died intestate and had on deposit in all banks and trust companies within the state of Washington money

RCW 30.20.020
amended.

Deposits.
Payment to
surviving
spouse—
Accounting to
estate.

not exceeding the sum of one thousand dollars. The payment of such deposit made in good faith to the spouse making the affidavit shall be a full acquittance and release of the bank for the amount of the deposit so paid.

No probate proceeding shall be necessary to establish the right of said surviving spouse to withdraw said deposits upon the filing of said affidavit: *Provided, however,* Whenever an administrator is appointed in an estate where a withdrawal of deposits has been had in compliance with this section, the spouse so withdrawing said deposits shall account for the same to the administrator.

RCW 30.20.060
amended.

SEC. 3. Section 30.20.060, chapter 33, Laws of 1955 as amended by section 5, chapter 106, Laws of 1959 and RCW 30.20.060, are each amended to read as follows:

Savings de-
posits, regu-
lations.

Any bank or trust company which shall conduct a savings account department shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall be prescribed by the directors of any such bank or trust company and may contain provisions with respect to the terms and conditions upon which any such savings account will be maintained by said bank or trust company. Such regulations shall be posted in a conspicuous place in a room where the savings account business of any such bank or trust company shall be transacted and shall be available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. A passbook shall be issued to each savings account depositor, or a ledger record maintained in lieu of a passbook, covering such deposits in which shall be entered each deposit by and each payment to such depositor, and no payment or

checks against any savings account shall be made unless accompanied by and entered in any passbook issued therefor, except for good cause and assurance satisfactory to the corporation: *Provided, however,* That in any event, a passbook shall be issued upon request.

SEC. 4. There is added to chapter 33, Laws of 1955 and to chapter 30.20 RCW a new section to read as follows: New section.

Notice to any national bank, state bank, trust company, mutual savings bank or bank under the supervision of the supervisor of banking, doing business in this state of an adverse claim to a deposit standing on its books to the credit of any person shall not be effectual to cause said bank or trust company to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank or trust company from a court of competent jurisdiction in a cause therein instituted by him wherein the person to whose credit the deposit stands is made a party and served with summons or shall execute to said bank or trust company, in form and with sureties acceptable to it, a bond, in an amount which is double either the amount of said deposit or said adverse claim, whichever is the lesser, indemnifying said bank or trust company from any and all liability, loss, damage, costs and expenses, for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of said bank or trust company: *Provided,* That this law shall not apply in any instance where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship as also the facts showing reasonable cause of belief on the part of said claimant Adverse claim to deposit—
Court process necessary.

Exception.

that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant.

New section.

SEC. 5. There is added to chapter 33, Laws of 1955 and to chapter 30.20 RCW a new section to read as follows:

Claim of funds on deposit by out-of-state executor or administrator — Procedure.

Upon the death of any person having funds held by or on deposit with any state or national bank or trust company, or mutual savings bank, or any bank under the supervision of the supervisor, such bank or trust company or mutual savings bank may with full acquittance to it pay over the balance of such funds to the executor or administrator of the estate of such deceased person appointed under the laws of any other state or territory or country, after (a) such foreign executor or administrator has caused a notice to be published substantially in the manner and form herein provided for, in a newspaper of general circulation in the county in which is located the office or branch of the bank holding or having on deposit said funds, or if none, then in a newspaper of general circulation in an adjoining county, at least once a week for at least three successive weeks; (b) expiration of at least ninety days after the date of first publication of such notice; and (c) consent of the tax commission to such payment or receipt for payment of any inheritance tax due has been received by such bank or trust company: *Provided*, That if an executor or administrator of the estate of said deceased person shall be appointed and qualify as such under the laws of this state and deliver a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such bank or trust company or mutual savings bank holding or having on deposit such funds prior to its transmitting the same to a foreign executor or administrator, then such funds shall be paid to or to the order of the executor or

administrator of said estate appointed and qualified in this state. The notice herein provided for may be published in substantially the following form:

In the Matter of the Estate of _____, deceased

Notice is hereby given that the undersigned representative of the estate of said deceased person has applied for transfer to the undersigned of funds of said deceased held or on deposit at the _____ office of _____, the address of which is _____, in the State of Washington; and that such transfer may be made after ninety days from first publication of this notice unless an executor or administrator of said estate is appointed and qualified within the State of Washington and said bank or trust company receives written notice thereof at its said address prior to transmittal of such funds to the undersigned.

Date of first publication: _____

_____ of said estate

Address: _____

Affidavit of the publisher of the publication of such notice filed with such bank, trust company or mutual savings bank shall be sufficient proof of such publication.

SEC. 6. Section 30.20.015, chapter 33, Laws of 1955 and RCW 30.20.015 are each amended to read as follows:

RCW 30.20.015 amended.

After any commercial or savings deposit shall be made in a national bank, state bank, trust company or any banking institution subject to the supervision of the supervisor of banking of this state, by any person in the names of such depositor and one or more other persons and in form to be paid to any of them or the survivor of them, such deposit and any additions thereto made by any of such persons after the making thereof, shall become the property of

Joint deposits with right of survivorship.

such persons as joint tenants with the right of survivorship, and the same, together with all interests thereof, in the case of savings accounts, shall be held for the exclusive use of such persons and may be paid to any of them during their lifetimes or the survivor or survivors. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such bank or the surviving depositor is a party, of the intention of the depositors to vest title to such deposit and the additions thereto in the survivor or survivors.

RCW 32.12.030
amended.

SEC. 7. Section 32.12.030, chapter 13, Laws of 1955 and RCW 32.12.030 are each amended to read as follows:

Mutual sav-
ings banks.
Payment as
deposits and
dividends.

When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the deposit shall have been made, and his receipt or acquittance shall be a valid discharge.

(2) When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made.

(3) After any deposit shall be made by any person in the names of such depositor and one or more other persons and in form to be paid to any of them or the survivor of them, such deposit and any additions thereto made by any of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same,

together with all dividends thereon, shall be held for the exclusive use of such persons and may be paid to any of them during their lifetimes or to the survivor or survivors and such payment and the receipt of acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such deposit prior to the receipt by such savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such savings bank or the surviving depositor is a party, of the intention of all depositors to vest title to such deposit and the additions thereto in the survivor or survivors.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 281.

[S. B. 288.]

ACQUISITION OF REAL PROPERTY FOR HIGHWAY PURPOSES.

AN ACT relating to highways and acquisition of property therefor; authorizing the investment of state funds; amending section 6, chapter 274, Laws of 1955, and RCW 41.32.200; amending section 8, chapter 274, Laws of 1947, as last amended by section 1, chapter 220, Laws of 1955, and RCW 41.40.070; and amending section 51.44.100, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.44.100.

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

SECTION 1. It is hereby declared to be the public policy of the state of Washington to provide for the acquisition of real property necessary for the im-

Legislative
declaration.

provement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of such property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

Condemnation, purchase of property prior to use. Authorized—Actions.

SEC. 2. The Washington state highway commission, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in this act. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the highway commission is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

Agreements with state finance committee.

SEC. 3. The highway commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property that the highway commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

—Agreement provisions.

SEC. 4. Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in

payment for the property covered by the agreement. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in: (1) The accident fund, medical aid fund, or the reserve fund created by chapter 51.44 RCW; (2) any of the several funds created by chapter 41.32 RCW; (3) any of the several funds created by chapter 41.40 RCW; or (4) the state treasury available for investment as provided in RCW 43.84.080: *Provided*, That the board of trustees of the teachers' retirement system shall approve each agreement affecting any fund created by chapter 41.32 RCW and the state employees' retirement board shall approve each agreement affecting any fund created by chapter 41.40 RCW. In no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in this act.

SEC. 5. Each such agreement shall include, but shall not be limited to the following:

—Additional agreement provisions.

(1) A provision stating the terms of the agreement which shall not extend beyond one calendar month after the end of the then current biennium. The agreement may contain options for the renewal thereof by the highway commission for an additional period or periods of not exceeding two years each: *Provided*, That no such agreement may be renewed to extend beyond six years from the date of the original agreement.

(2) A designation of the specific fund or funds to be used to carry out such agreement.

(3) A provision that the highway commission may redeem warrants purchased by the state finance committee at any time prior to the letting of a high-

way improvement contract utilizing the property; and further, during the effective period of each such agreement the highway commission shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier.

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee.

(5) Any additional provisions agreed upon by the highway commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by this act.

Warrants.
Contents.

SEC. 6. Warrants issued for payment of property as provided herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state finance committee agreed to purchase such warrants. The state treasurer shall deposit such warrants in the treasury for the investing fund.

Approval.

Payment.

Warrants.
Interest on—
Payment.

SEC. 7. The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in such agreement. The state treasurer shall pay such warrants at the time provided for in the agreement. Such obligations coming due shall be a prior charge against any funds in the motor vehicle fund available to the highway commission for construction of state highways.

Sec. 8. Section 6, chapter 274, Laws of 1955, and RCW 41.32.200 are each amended to read as follows:

The board of trustees shall be the trustees of the several funds created by this chapter and shall authorize the state finance committee to invest and reinvest such funds in bonds or other obligations issued directly by or fully guaranteed by the federal government or any agency thereof, general obligation bonds issued by any state of the United States or any political subdivision of any such state, revenue bonds issued by the state of Washington or any authority or subdivision of the state, revenue bonds issued by any state or established authority of a state, in shares or savings accounts of savings and loan associations to the extent that they are guaranteed by the Federal Savings and Loan Insurance Corporation, and in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the state finance committee and the state highway commission requiring payment of such warrants from any moneys in the motor vehicle fund available for state highway construction. Subject to the above limitations, the state finance committee shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: PROVIDED, That the state finance committee shall have power to invest these funds in school warrants.

Vetoed.

SEC. 9. Section 8, chapter 274, Laws of 1947, as last amended by section 1, chapter 220, Laws of 1955, and RCW 41.40.070 are each amended to read as follows:

RCW 41.40.070 amended.

State
employees'
retirement.
Investment of
funds—De-
posit for
current use.

(1) The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or to authorize the finance committee to invest same in bonds or other obligations issued directly by or insured by or guaranteed by the federal government or any agency thereof, of the state of Washington or of any county, city, village or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the state of Washington or any of its political subdivisions or instrumentalities, or in general obligation and revenue bonds issued by any state of the United States, or in any duly constituted authority or agency of such state, or in the general obligation or revenue bonds of any political subdivision of any state of the United States that are legal for investment by mutual savings banks in the state of Washington, or in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the state finance committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction. All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the retirement board. The retirement board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases shall in the judgment of said retirement board be appropriate or necessary to carry out the purposes of this chapter.

(2) For the purpose of meeting disbursements for annuities and other payments in excess of the re-

ceipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided for by this chapter, on deposit in the state treasury.

SEC. 10. Section 51.44.100, chapter 23, Laws of 1961 (House Bill No. 4) and RCW 51.44.100 are each amended to read as follows:

RCW 51.44.100
amended.

Whenever, in the judgment of the state finance committee, there shall be in the accident fund, medical and fund, or in the reserve fund, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest such excess funds in national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the permanent school fund. The committee may, in addition, invest such excess funds in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction.

Workmen's
compensation
funds.
Investment of
accident, med-
ical aid, re-
serve funds.

SEC. 11. Section 1, chapter 91, Laws of 1935, as amended by section 1, chapter 197, Laws of 1955 and RCW 43.84.080 are each amended to read as follows:

RCW 43.84.080
amended.

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee may invest such portion of such funds or balances as it deems expedient in certificates, notes, or bonds of the United States, or in state, county, municipal, or school dis-

State
government,
executive.
Investment of
current state
funds.

trict bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state finance committee may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable. The committee may, in addition, invest such excess funds in motor vehicle fund warrants when authorized by agreement between the committee and the state highway commission requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction.

Severability.

SEC. 12. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder if the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 25, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 8, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"Senate Bill No. 288 authorizes the State Highway Commission to purchase or condemn real property or property rights necessary for the improvement of the State highway system, at times reasonably in advance of programmed construction of the highways. Section 8 of this bill amends RCW 41.32.200. It amends said section of the Revised Code of Washington by permitting the Board of Trustees of the Teachers' Retirement System to invest in motor vehicle fund warrants to be issued by the Highway Commission to pay for the costs of advance acquisition of real property or property rights as previously explained.

"Section 1 of Senate Bill No. 314 likewise purports to amend RCW 41.32.200. This section outlines in detail the various securities in which the Board of Trustees of the Washington State Teachers' Retirement System may authorize the State Finance Committee to invest for the Teachers' Retirement System. The provisions contained in section 1 of Senate Bill No. 314 are of the utmost importance to the Teachers' Retirement System because the investments provided therein will allow that System to obtain an increased yield from its investments which will assure the Teachers' Retirement System to remain actuarially sound.

"Since retirement systems other than those of the teachers have been allowed to invest in the Highway warrants above described, the Highway Commission will be able to achieve the principal purpose of Senate Bill No. 288, and by vetoing section 8 of Senate Bill No. 288 the Teachers' Retirement System will benefit from the provisions contained in Senate Bill No. 314.

"For the reasons indicated, section 8 of Senate Bill No. 288 is vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 282.

[S. B. 16.]

CITIES AND TOWNS—ANNEXATION OF TERRITORY.

AN ACT relating to cities and towns; amending section 2, chapter 245, Laws of 1907 as amended by section 6, chapter 248, Laws of 1951 and RCW 35.13.020 through 35.13.050; amending section 3, chapter 245, Laws of 1907 and RCW 35.13.060 and 35.13.080; amending section 4, chapter 245, Laws of 1907 and RCW 35.13.070 and 35.13.090; amending section 2, chapter 239, Laws of 1957 and RCW 35.13.100; amending section 3, chapter 128, Laws of 1945 and RCW 35.13.130; amending section 6, chapter 239, Laws of 1957 and RCW 35.13.160; amending section 1, chapter 248, Laws of 1951 as amended by section 1, chapter 119, Laws of 1957 and RCW 35.13.220; amending section 4, chapter 248, Laws of 1951 as amended by section 1, chapter 27, Laws of 1951 second extraordinary session, and RCW 35.13.250; adding seven new sections to chapter 35.13 RCW; and repealing sections 2 and 3, chapter 248, Laws of 1951 and RCW 35.13.230 and 35.13.240.

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

SECTION 1. There is added to chapter 35.13 RCW New section.
a new section to read as follows:

In addition to the method prescribed by section 7 of this amendatory act for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the

Annexation of unincorporated areas by cities or towns. Initiation by resolution of city or town.

county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

New section.

SEC. 2. There is added to chapter 35.13 RCW a new section to read as follows:

Review board.
 Members—
 Convened.

Within ten days after the filing of a city's or town's annexation resolution with the board of county commissioners, or within ten days after filing with the county commissioners a petition calling for an election on annexation, as provided in section 7 of this amendatory act, or within ten days after approval by the legislative body of a city or town a petition of property owners calling for annexation, as provided in section 17 of this amendatory act, the mayor of the city or town concerned shall convene a review board composed of the following persons:

- (1) The mayor of the city initiating the annexation resolution, or an alternate designated by him;
- (2) The chairman of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him;

(3) The director of the state department of commerce and economic development, or an alternate designated by him.

(4) The chairman or chairmen of the board of school directors of any or all school districts situated in whole or in part of the area to be annexed.

An additional member to be designated by a majority of the members above designated, who shall be a resident of and a property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor.

SEC. 3. Whenever a petition is filed by either of the methods provided in sections 7 and 19 of this amendatory act, or a resolution is adopted by the city council, as provided in section 1 of this amendatory act, and the area proposed for annexation is less than ten acres and less than two hundred thousand dollars in assessed valuation, the mayor of the city or town to which the area is proposed to be annexed and the chairman of the board of county commissioners and county superintendent of schools can agree by majority that a review proceeding, as provided herein, is not necessary for the protection of the interest of the various parties, in which case such review procedures shall be dispensed with.

Review proceedings may be dispensed with, when.

SEC. 4. There is added to chapter 35.13 RCW a new section to read as follows:

New section.

The review board shall by majority action, within three months, determine whether the property proposed to be annexed is of such character that such annexation would be in the public interest and for the public welfare, and in the best interest of the city, county, and other political subdivisions affected. The governing officials of the city, county, and other political subdivisions of the state shall assist the review board insofar as their offices can, and all relevant information and records shall be furnished

Review board determination.

Factors influ-
encing deter-
mination.

by such offices to the review board. In making their determination the review board shall be guided, but not limited, by their findings with respect to the following factors:

(1) The immediate and prospective populations of the area to be annexed;

(2) The assessed valuation of the area to be annexed, and its relationship to population;

(3) The history of and prospects for construction of improvements in the area to be annexed;

(4) The needs and possibilities for geographical expansion of the city;

(5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks, and other municipal services, and transportation and drainage;

(6) The relative capabilities of the city, county, and other political subdivisions to provide governmental services when the need arises;

(7) The existence of school districts and special districts within the area proposed to be annexed, and the impact of annexation upon such districts;

(8) The elimination of isolated unincorporated areas existing without adequate economical governmental services;

(9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.

Determination
findings filed.

Whether the review board determines for or against annexation, its reasons therefor, along with its findings on the specified factors and other material considerations shall:

(1) In the case of a petition signed by property owners calling for an annexation without election, be

filed with the legislative body of the city or town concerned;

(2) In the case of a petition signed by registered voters calling for an election on annexation, be filed with the board of county commissioners;

(3) In the case of a resolution of a city or town initiating annexation proceedings, be filed with the board of county commissioners.

Such findings need not include specific data on every point listed, but shall indicate that all factors were considered.

SEC. 5. There is added to chapter 35.13 RCW a new section to read as follows:

Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area, the board of county commissioners shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter.

New section.
Annexation election date fixed.

SEC. 6. Section 2, chapter 245, Laws of 1907, as amended by section 6, chapter 248, Laws of 1951 (heretofore divided and codified as RCW 35.13.020, 35.13.030, 35.13.040 and 35.13.050) is divided and amended as set forth in sections 7 through 10 of this amendatory act.

SEC. 7. (RCW 35.13.020) A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: *Provided*, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publica-

RCW 35.13.020 amended.
Election method—Petition for election—Signers—Filing and approval—Costs of election.

tion in the same manner notice of hearing is required by section 9 of this amendatory act to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned.

RCW 35.13.030
amended.
Election
method—
Petition for
election—
Contents.

SEC. 8. (RCW 35.13.030) A petition filed with the county commissioners to call an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the number of voters residing therein as nearly as may be, state the provisions, if any there be, relating to assumption of debt by the owners of property of the area proposed to be annexed, and shall pray for the calling of an election to be held among the qualified voters therein upon the question of annexation.

RCW 35.13.040
amended.
Election
method—
Hearing—
Notice.

SEC. 9. (RCW 35.13.040) Upon the filing of approval by the review board of a petition to call an annexation election, the board of county commissioners at its next meeting shall fix a date for hearing thereon to be held not less than two weeks nor more than four weeks thereafter, of which hearing the petitioners must give notice by publication for at least two weeks prior thereto in some newspaper printed and published in the city or town to which

the area is proposed to be annexed. Upon the day fixed, the board shall hear the petition, and if it complies with the requirements of law and has been approved by the review board, shall grant it. The hearing may be continued from time to time for an aggregate period not exceeding two weeks.

SEC. 10. (RCW 35.13.050) After the filing with the board of county commissioners of a petition or resolution to call an annexation election, pending the hearing thereon, and pending the election to be called thereunder, the board of county commissioners shall not consider any other petition or resolution involving any portion of the territory embraced therein: *Provided*, That the petition or resolution may be withdrawn or a new petition or resolution embracing other or different boundaries substituted therefor by a majority of the signers thereof, or in the case of a resolution, by the legislative body of the city or town, and the same proceeding shall be taken as in the case of an original petition or resolution.

RCW 35.13.050
amended.
Election
method—
Petition for
election—
Others cover-
ing same area
barred.

SEC. 11. Section 3, chapter 245, Laws of 1907 (heretofore divided and codified as RCW 35.13.060 and 35.13.080) is divided and amended as set forth in sections 12 and 13 of this amendatory act.

SEC. 12. (RCW 35.13.060) Upon granting the petition, the board of county commissioners shall fix a date for the annexation election, which must be not less than thirty nor more than sixty days thereafter.

RCW 35.13.060
enacted
without
amendment.

SEC. 13. (RCW 35.13.080) Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words

RCW 35.13.080
amended.
Election
method—
Notice of
election.

equivalent thereto, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published for at least two weeks prior to the date of election in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town, in a newspaper of general circulation in the area published and printed in the county.

SEC. 14. Section 4, chapter 245, Laws of 1907, (heretofore divided and codified as RCW 35.13.070 and 35.13.090) is divided and amended as set forth in sections 15 and 16 of this amendatory act.

RCW 35.13.070
amended.
Election
method—
Election,
conduct of.

SEC. 15. (RCW 35.13.070) An annexation election shall be held in accordance with the general election laws of the state, and only registered voters who have resided in the area proposed to be annexed for ninety days immediately preceding the election shall be allowed to vote therein.

RCW 35.13.090
amended.
Election
method—
Canvass—
Certification.

SEC. 16. (RCW 35.13.090) On the Monday next succeeding the annexation election, the board of county commissioners shall proceed to canvass the returns thereof.

The proposition for or against annexation shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation. If a proposition for or against assumption of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor

thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation, and if a proposition for assumption of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

SEC. 17. Section 2, chapter 239, Laws of 1957 and RCW 35.13.100 are each amended to read as follows:

RCW 35.13.100
amended.

Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation. If propositions for annexation and assumption of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation including the assumption of indebtedness. If both propositions were submitted and only the annexation proposition was approved, the legislative body may, if it deems

Election
method—
Ordinance
providing for
annexation,
assumption of
indebtedness.

it wise or expedient, adopt an ordinance providing for the annexation.

New section.

SEC. 18. There is added to chapter 35.13 RCW a new section to read as follows:

Petition method—Initiating parties to consult city or town—Petition to indicate city or town action.

Proceedings for the annexation of territory pursuant to section 19 of this amendatory act, RCW 35.13.140, 35.13.150, section 20 of this amendatory act and RCW 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, and whether it shall require the assumption of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of indebtedness, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

RCW 35.13.130 amended.

SEC. 19. Section 3, chapter 128, Laws of 1945 and RCW 35.13.130 are each amended to read as follows:

Petition method—Petition—Signers—Content.

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall set forth a description of the property according to government legal sub-

divisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of city or town indebtedness by the area annexed, this fact, together with a quotation of the minute entry of such requirement shall be set forth in the petition.

SEC. 20. Section 6, chapter 239, Laws of 1957 and RCW 35.13.160 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for any then outstanding indebtedness of the city or town to which said area is annexed, contracted prior to, or existing at, the date of annexation.

Petition method—Effective date of annexation.

SEC. 21. Section 1, chapter 248, Laws of 1951 as amended by section 1, chapter 119, Laws of 1957, and RCW 35.13.220 are each amended to read as follows:

RCW 35.13.220 amended.

Whenever any territory which includes all the territory of a water, sewer or fire protection district, hereinafter referred to as "the district," has been heretofore or is hereafter annexed to a city or town, all real and personal property, franchises, rights, assets, taxes levied but not collected for the district for other than indebtedness, water or sewer lines, facilities, or equipment of the district shall become the property of a city or town to which annexation is made and such city shall, in addition to its other powers, have the same power to manage, control, maintain and operate such facilities and to fix and collect charges to customers as the commissioners of the district had prior to annexation, subject, however, to any outstanding indebtedness, bonded

Annexation of water, sewer and fire districts
—Disposition of properties
—Outstanding indebtedness.

or otherwise, of the district or local improvement district or utility local improvement district thereof, which indebtedness a city or town may by resolution of its governing body elect to assume and pay at the times and in the manner said indebtedness is due and payable. Such election to assume said indebtedness may be made either upon the effective date of such annexation or at any time thereafter during the period such indebtedness remains outstanding. Until such election is made, the property annexed and the owners and occupants thereof shall continue liable for its and their proportion of the unpaid indebtedness and the district, or local improvement district or utility local improvement district, and its officers shall continue to function for the sole purpose of certifying the amount of property tax or assessments to be collected and paid on such indebtedness in the same manner and by the same means as if the annexation had not been made.

If a city or town elects to assume outstanding indebtedness, and property taxes or assessments have been levied for such purpose but not collected for the district or local improvement district or utility local improvement district thereof prior to the date of such election by the city or town, the same shall when collected belong and be paid to the annexing city and be used by such city or town so far as necessary for payment as and when due of the indebtedness of the district or local improvement district or utility local improvement district existing and unpaid on the date such city or town elects to assume such indebtedness. If a city or town takes over any funds which have been collected for paying any bonded or other indebtedness of the district the same shall be used for the purpose for which collected and for no other purpose.

New section.

SEC. 22. There is added to chapter 35.13 RCW a new section to read as follows:

If a portion of the district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district is annexed to a city or town, the city or town may:

Annexation of part of water, sewer and fire districts—Disposition of properties—Outstanding indebtedness—Optional action.

(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of section 21 of this amendatory act shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the city or town shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and city or town concerned:

(a) The city or town shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment available for use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The city or town shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consider-

ation shall be given to depreciation of the economic life of the property, facilities and equipment due to age and condition, and to replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

(c) The city or town shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A city or town acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners or occupants, and to enforce such collections as if the annexation had not been made.

New section.

SEC. 23. There is added to chapter 35.13 RCW a new section to read as follows:

Annexation of part of water, sewer and fire districts— Action not optional, when.

If the portion of the district annexed to a city or town is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of section 22 of this amendatory act, except subdivision (1), as now or hereafter amended, shall apply.

RCW 35.13.250 amended.

SEC. 24. Section 4, chapter 248, Laws of 1951 as amended by section 1, chapter 27, Laws of 1951 second extraordinary session and RCW 35.13.250 are each amended to read as follows:

Notwithstanding any of the provisions of this chapter to the contrary, as now or hereafter amended, the city may, through its legislative authority authorize a contract with the district, with respect to rights, duties and obligations of the city and the district as to ownership of property, services, assets, liabilities and debts and any other questions arising out of the annexation, which contract may also make provisions for services by the district and use of its facilities or real estate within the city, and which contract may also provide that for such time as the contract may provide such district may continue to exercise all rights, privileges, powers and functions of such district provided by law as if there had been no annexation, including but not by way of limitation the right to levy and collect special assessments, adopt and carry out the provisions of a comprehensive plan, or amendments thereto, for a system of improvements, and issue and sell revenue and general obligation bonds.

Annexation of water, sewer and fire districts—Contracts regarding rights and obligations.

SEC. 25. Sections 2 and 3, chapter 248, Laws of 1951 and RCW 35.13.230 and 35.13.240 are each repealed. Repeal.

Passed the Senate March 8, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 283.

[S. B. 548.]

DEPARTMENT OF HEALTH—MOSQUITO CONTROL.

AN ACT providing for the control or elimination of mosquitoes.

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

Purpose.

SECTION 1. The purpose of this act is to establish a state-wide program for the control or elimination of mosquitoes as a health hazard.

Studies on and control of mosquitoes authorized.

SEC. 2. The director of the state department of health is hereby authorized and empowered to make or cause to be made such inspections, investigations, studies and determinations as he may from time to time deem advisable in order to ascertain the effect of mosquitoes as a health hazard, and, to the extent to which funds are available, to provide for the control or elimination thereof in any or all parts of the state.

Cooperation with other agencies.

SEC. 3. The director of health shall coordinate plans for mosquito control work which may be projected by any county, city or town, municipal corporation, taxing district, state department or agency, federal government agency, or any person, group or organization, and arrange for cooperation between any such districts, departments, agencies, persons, groups or organizations.

Contracts with, receipt of funds from other agencies authorized.

SEC. 4. The director of health is authorized and empowered to receive funds from any county, city or town, municipal corporation, taxing district, the federal government, or any person, group or organization to carry out the purpose of this act. In connection therewith the director is authorized and empowered to contract with any such county, city or town, municipal corporation, taxing district, the federal government, person, group or organization with respect to the construction and maintenance

of facilities and other work for the purpose of effecting mosquito control or elimination, and any such county, city or town, municipal corporation, or taxing district obligated to carry out the provisions of any such contract entered into with the director of health is authorized, empowered and directed to appropriate, and if necessary, to levy taxes for and pay over such funds as its contract with the director may from time to time require.

Appropriations from taxation by political subdivisions authorized.

SEC. 5. To carry out the purpose of this act, the director of health may

Powers incident to purpose.

(1) enter, with the consent of the owner and occupant thereof, upon any lands within the state for the purpose of inspection to ascertain whether breeding places of mosquitoes exist upon such lands; or to abate public nuisances; or to ascertain if notices to abate the breeding of mosquitoes upon such lands have been complied with; or to treat with oil or other larvicidal material any breeding places of mosquitoes upon such lands;

Vetoed.

(2) abate as nuisances breeding places for mosquitoes as defined in RCW 17.28.170;

(3) acquire by gift, devise, bequest, lease, or purchase, real and personal property necessary or convenient for carrying out the purpose of this act;

(4) make contracts, employ engineers, health officers, sanitarians, physicians, laboratory personnel, attorneys, and other technical or professional assistants;

(5) publish information or literature;

(6) do any and all other things necessary to carry out the purpose of this act: *Provided*, That no program shall be permitted nor any action taken in pursuance thereof which may be injurious to the life or health of game or fish.

SEC. 6. Each state department, agency, and political subdivision shall cooperate with the director of health in carrying out the purposes of this act.

State agency cooperation mandatory.

Severability.

SEC. 7. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 3, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 21, 1961, with the exception of Subsection 1, of Section 5, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"This bill is approved with the exception of subsection 1 of section 5, which is vetoed.

"Subsection 1 of section 5 requires the consent of both the owner and occupant prior to any inspection to determine the existence of mosquito breeding places. This requirement would unnecessarily restrict health officials in establishing a proper program for the control or elimination of mosquitoes. It would in effect make routine inspections during the short mosquito breeding season administratively impossible, and add considerably to the public expense of mosquito control. Since the health department is already given the power to make inspections and investigations in section 2 of the bill, the requirement of prior consent, particularly in instances where property is owned by an absentee landlord, imposes an unequal burden on resident land owners and undue expense and restriction on public health authorities.

"The reasons stated in the preceding paragraph impel me to veto subsection 1, of section 5. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 284.

[H. B. 538.]

PRACTICE OF MEDICINE AND SURGERY.

AN ACT relating to the practice of medicine and surgery; amending section 2, chapter 60, Laws of 1957 and RCW 18.71.010; amending section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919, and RCW 18.71.020; amending section 19, chapter 192, Laws of 1909, as amended by section 12, chapter 134, Laws of 1919, and RCW 18.71-.030; amending section 3, chapter 60, Laws of 1957 and RCW 18.71.050; amending section 4, chapter 60, Laws of 1957 and RCW 18.71.055; amending section 8, chapter 192, Laws of 1909 and RCW 18.71.060; amending section 6, chapter 192, Laws of 1909, as amended by section 4, chapter 134, Laws of 1919, and RCW 18.71.070; amending section 11, chapter 134, Laws of 1919, as amended by section 5, chapter 60, Laws of 1957, and RCW 18.71.090; amending section 38, chapter 202, Laws of 1955 and RCW 18.71.120; adding new sections to chapter 192, Laws of 1909 and to chapter 18.71 RCW; providing penalties; and declaring an emergency.

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

SECTION 1. Section 2, chapter 60, Laws of 1957 and RCW 18.71.010 are each amended to read as follows:

RCW 18.71.010 amended.

(1) The practice of medicine and surgery consists of the use of drugs or medicinal preparations in or upon human beings, severing or penetrating the tissues of human beings, and the use of any and all other methods in the treatment of diseases, injuries, deformities, or other physical or mental conditions, but shall not include the practice of chiropractic as defined in RCW 18.25.030.

Definitions.

(2) "Director" means the director of licenses.

(3) "Board" means the board of medical examiners.

SEC. 2. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

New section.

Board of medical examiners created.

There is hereby created a board of medical examiners consisting of five individuals licensed to practice medicine and surgery in the state of Washington, to be known as the Washington state board of medical examiners.

Members—Appointment, terms.

The board shall be appointed by the governor.

The members of the first board shall be appointed within thirty days after the effective date of this amendatory act, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual licensed to practice medicine and surgery in the state of Washington to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Members—Qualifications.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and must have been licensed to practice medicine and surgery in this state for at least five years.

Board officers, meetings, quorum.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Members—Per diem, expenses—Removal.

Each member of the board shall receive the sum of twenty-five dollars per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel;

and in addition thereto shall be reimbursed for actual traveling, incidental and clerical expenses necessarily incurred in carrying out the duties of the board. Any such expenses shall be paid from funds appropriated to the department of licenses.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Membership vacancies, filling.

SEC. 3. Section 14, chapter 192, Laws of 1909, as amended by section 8, chapter 134, Laws of 1919, and RCW 18.71.020 are each amended to read as follows:

RCW 18.71.020 amended.

Any person who shall practice or attempt to practice, or hold himself out as practicing medicine and surgery in this state, without having, at the time of so doing, a valid, unrevoked certificate as provided in this chapter, shall be guilty of a misdemeanor. In each such conviction the fine shall be paid, when collected, to the state treasurer. The director of licenses is authorized to prosecute all persons guilty of a violation of the provisions of this chapter.

Licensing required—Penalty.

SEC. 4. Section 19, chapter 192, Laws of 1909, as amended by section 12, chapter 134, Laws of 1919, and RCW 18.71.030 are each amended to read as follows:

RCW 18.71.030 amended.

Nothing in this chapter shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this chapter apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any person serving a period of training, not exceeding three years, in any hospital licensed under chapter 70.41 RCW; nor to any person serving a period of training

Licensing exemptions.

at the University of Washington school of medicine; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this chapter apply to any practitioner from any other state or territory in which he resides: *Provided*, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state. This chapter shall not be construed to apply in any manner to the practice of osteopathy or to any drugless method of treating the sick or afflicted, or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor to any person now holding a license for any system of drugless practice issued pursuant to chapter 18.36 RCW; nor to any person licensed under any law to practice any of the other healing arts if such practice is by the methods and means permitted by his license.

RCW 18.71.050
amended.

SEC. 5. Section 3, chapter 60, Laws of 1957 and RCW 18.71.050 are each amended to read as follows:

Application—
Eligibility
requirements.

Every such applicant must file in the office of the director with his application satisfactory testimonials as to his moral character, and a diploma issued by a medical school accredited and approved by the board, or by the director prior to the effective date of this 1961 amendatory act, as of the time the diploma was issued therefrom. After the effective date of this 1961 amendatory act the board shall not accredit or approve any medical school that does not meet the requirements set forth in RCW 18.71.055, as amended. The application must be sworn to before some person authorized to administer oaths, and attested by the hand and seal of such officer, if he has a seal, stating that the applicant is the person named in the diploma, that he is the lawful holder thereof, and that it was procured in the regular course of instruction and examination, without fraud or misrepresentation.

The applicant must also furnish evidence that:

(1) He has served for not less than one year as interne in a thoroughly equipped hospital, having at least twenty-five beds for each interne, devoted to the treatment of medical, surgical, gynecological and special diseases;

(2) He has had some experience in, and has a practical working knowledge of obstetrics;

(3) He has had some experience in, and a practical working knowledge of pathology.

SEC. 6. Section 4, chapter 60, Laws of 1957 and RCW 18.71.055 are each amended to read as follows:

The board may accredit and approve any medical school provided that it:

(1) Requires collegiate instruction which training shall include theoretical and laboratory courses in physics, biology, inorganic and organic chemistry;

(2) Provides adequate instruction in the following subjects: Anatomy, biochemistry, microbiology and immunology, pathology, pharmacology, physiology, anaesthesiology, dermatology, gynecology, internal medicine, neurology, obstetrics, ophthalmology, orthopedic surgery, otolaryngology, pediatrics, physical medicine and rehabilitation, preventive medicine and public health, psychiatry, radiology, surgery and urology;

(3) Provides clinical instruction in hospital wards and outpatient clinics under guidance.

Approval may be withdrawn by the board at any time a medical school ceases to comply with one or more of the requirements of this section.

SEC. 7. Section 8, chapter 192, Laws of 1909 and RCW 18.71.060 are each amended to read as follows:

Said board shall keep an official record of all its proceedings, a part of which record shall consist of a register of all applicants for certificates under this chapter, with the result of each application.

RCW 18.71.055
amended.

Medical
schools—
Requirements
for accredita-
tion and
approval.

RCW 18.71.060
amended.

Applications
—Record.

Said record shall be evidence of all the proceedings of said board which are set forth therein.

RCW 18.71.070
amended.

SEC. 8. Section 6, chapter 192, Laws of 1909, as amended by section 4, chapter 134, Laws of 1919, and RCW 18.71.070 are each amended to read as follows:

Examination.

In addition to the requirements above set forth, such applicants for a certificate must be personally examined by said board as to their qualifications. The examination shall be conducted in the English language, shall be practical in character and designed to discover the applicant's fitness to practice medicine and surgery, and shall be, in whole or in part, in writing on the following fundamental subjects, to wit: Anatomy, histology, gynecology, pathology, bacteriology, chemistry, toxicology, physiology, obstetrics, general diagnosis, practice of medicine and surgery and any other branches thereof that the board shall deem advisable. Examinations in each subject shall consist of not less than ten questions, answers to which shall be marked upon a scale of zero to ten. All applicants must obtain not less than sixty-five percent in any one subject and obtain a general average of not less than seventy percent in all subjects: *Provided*, That applicants who can show at least ten years of reputable practice shall be granted a credit of five percent upon each subject. The examination papers shall form a part of the records of the board and shall be kept on file for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the application has been finally voted upon.

RCW 18.71.090
amended.

SEC. 9. Section 11, chapter 134, Laws of 1919, as amended by section 5, chapter 60, Laws of 1957, and RCW 18.71.090 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state, which

through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of medical examiners may, in the discretion of the board, be granted a license without examination on the payment of a fee of twenty-five dollars to the state treasurer: *Provided*, That he has not previously failed to pass an examination held in this state. He must file with the board a copy of his license certified by the proper authorities of the issuing state to be a full, true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

License—Reciprocity with other states.

SEC. 10. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

New section.

The attorney general, each prosecuting attorney, the director, the state board of medical examiners, or any citizen of the state may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin such person from engaging in the practice of medicine and surgery as herein defined until a valid certificate to practice medicine and surgery be secured: *Provided*, That such injunction shall not relieve such person so practicing medicine and surgery without a valid certificate from criminal prosecution therefor, but such remedy by injunction shall be in addition to the liability of such offender to criminal prosecution.

Injunctive process available for enforcement.

SEC. 11. There is added to chapter 192, Laws of 1909 and to chapter 18.71 RCW a new section to read as follows:

New section.

The board may make such rules and regulations as are not inconsistent with the laws of this state as

Rules and regulations, scope.

may be determined necessary or proper to carry out the purposes of this act.

RCW 18.71.120 amended.

SEC. 12. Section 38, chapter 202, Laws of 1955 and RCW 18.71.120 are each amended to read as follows:

Refusal of license—
Reinstatement procedure.

The board must refuse a certificate to any applicant guilty of unprofessional conduct: *Provided*, That any person whose license has been suspended or revoked under the provisions of chapter 18.72 may apply to the medical disciplinary board for reinstatement at any time and the medical disciplinary board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement.

Severability.

SEC. 13. If any section, sentence, clause, or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act.

Emergency.

SEC. 14. This act is necessary for the immediate preservation of public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 26, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 285.

[H. B. 247.]

MILK AND MILK PRODUCTS USED FOR ANIMAL FOOD.

AN ACT relating to milk and milk products used for animal food; providing penalties; and making an effective date.

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

SECTION 1. For the purpose of this act: Definitions.

(1) "Department" means the department of agriculture of the state of Washington. "Department".

(2) "Director" means the director of the department or his duly appointed representative. "Director".

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural, as the case may be. "Person".

SEC. 2. The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purpose. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended. Enforcement—Rules, adoption of subject to chapter 34.04 RCW.

SEC. 3. It shall be unlawful for any person to sell, offer for sale, hold for sale, or advertise for sale, trade, barter, or to give as an inducement for the sale of another product, milk, cream, or skim milk, for animal food consumption, which does not meet, or has not been produced and handled under conditions prescribed for grade A milk as provided in chapter 15.36 RCW as enacted or hereafter amended, without first obtaining an annual license from the director which shall expire on June 30th following the date of issuance unless revoked prior thereto by the director for cause. License—Required.

License—
Application
—Issuance.

SEC. 4. Application for a license shall be on a form prescribed by the director and shall include the following:

(1) The full name of the person applying for the license.

(2) If such applicant is a receiver, trustee, firm, partnership, association, or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application.

(3) The principal business address of the applicant in the state and elsewhere.

(4) The name of a person domiciled in this state authorized to receive and accept service or legal notice of all kinds.

(5) Any other information prescribed by the director necessary to carry out the purposes and provisions of this act.

The director shall issue a license to an applicant upon his satisfaction that the applicant has satisfied the requirements of this act and rules adopted hereunder and that such applicant has paid the required fee.

License—Fee.

SEC. 5. The application for an annual license to sell, offer for sale, hold for sale, or advertise for sale, trade, barter, or to give as an inducement for the sale of another product, milk, cream, or skim milk for animal food consumption shall be accompanied by a license fee of twenty-five dollars.

License—Penalty for late renewal.

SEC. 6. If an application for renewal of a license provided for in section 3 of this act is not filed prior to July 1st of any one year, a penalty of ten dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not sold, offered for sale, held for sale, or advertised for sale, milk, cream, or skim milk for

animal food consumption subsequent to the expiration of his prior license.

SEC. 7. The director is authorized to deny, suspend, or revoke the license provided for in section 3 of this act subsequent to a hearing in any case in which he finds that there has been a failure or refusal to comply with the provisions of this act or rules adopted hereunder.

License—
Grounds to
deny, suspend
or revoke.

SEC. 8. All hearings for a denial, suspension, or revocation of a license provided for in section 3 of this act shall be subject to the provisions of chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended.

License—
Denial, sus-
pension or
revocation
hearings sub-
ject to chapter
34.04 RCW.

SEC. 9. The director may issue subpoenas to compel the attendance of witnesses and/or the production of books, documents, and records in the county in which the person licensed under this act resides in any hearing affecting the authority or privileges granted by a license issued under the provisions of this act. Witnesses, except complaining witnesses, shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW as enacted or hereafter amended.

Subpoenas—
Witness fees.

SEC. 10. It shall be unlawful for any person to sell, offer for sale, hold for sale, advertise for sale, trade, barter, or to give as an inducement for the sale of another product, any milk, cream, or skim milk, for animal food consumption which does not meet, or has not been produced under conditions prescribed for grade A milk, as prescribed in chapter 15.36 RCW as enacted or hereafter amended and rules adopted thereunder, and the applicable provisions of chapter 69.04 RCW (the Food, Drug and Cosmetic Act) as enacted and hereafter amended and rules adopted thereunder, in containers provided either by the vendor or vendee and which are capable of holding less than twenty liquid quarts,

Milk for
animal con-
sumption—
Minimum size
for containers
or decharac-
terization by
color.

unless such milk, cream, or skim milk has been decharacterized with a color prescribed by the director which will not affect its nutritive value for animal food.

Milk for animal consumption—Containers to be labeled.

SEC. 11. It shall be unlawful to sell, offer for sale, hold for sale, trade, barter, or to offer as an inducement for the sale of another product, milk, cream, or skim milk subject to the provisions of this act in containers which are not labeled in a conspicuous location readily visible to any person handling such containers with the following:

(1) The name and address of the producer or distributor in letters not less than one-fourth inch in size.

(2) The name of the contents in letters not less than one-fourth inch in size.

(3) The words “not for human consumption” in letters at least one-half inch in size.

(4) The words “decharacterized with harmless food coloring” in letters not less than one-fourth inch in size.

Right of entry—Interference with as violation.

SEC. 12. The director or his duly authorized representative may enter, during reasonable business hours, any premise where milk, cream, or skim milk subject to the provisions of this act is produced, handled, distributed, sold, offered for sale, held for sale, or used for the inducement of the sale of another product to determine if such milk, cream, or skim milk has been properly decharacterized as provided in section 10 of this act or rules adopted hereunder. No person shall interfere with the director or his duly authorized representative when he is performing or carrying out the duties imposed on him by this act or rules adopted hereunder.

Injunctive process available—Venue.

SEC. 13. The director may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule adopted pursuant to this act in the superior court of Thurston county,

notwithstanding the existence of any other remedy at law.

SEC. 14. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy. Act non-exclusive.

SEC. 15. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor. General penalty.

SEC. 16. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 17. This act shall take effect on July 1, 1961, Effective date.
and shall not apply to a gift or sale of raw milk by a farmer on his own premises to a person who brings his own container and takes it away. } vetoed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 21, 1961, with the exception of a certain item in Section 17, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

"At the present time the law requires that milk used for human consumption, or milk intended to be utilized in products used for human consumption, is produced under the most exacting standards of sanitation and care to avoid contamination of milk, milk products, and to prevent epidemics which might be caused through such contamination. Veto message, excerpt.

"It has come to my attention that milk produced pursuant to lowered standards of sanitation and care, and intended solely for the pet animal market, has on occasion been sold for human consumption and for the production of milk products intended for the human market.

"The Department of Agriculture prepared the instant Act to avoid the evil of allowing milk proper for the animal market, to be utilized for human consumption. As a result, the health and welfare of our citizens will be protected in the future.

"When this bill was considered by the Senate, the following amendment was adopted to section 17 of the Act:

' , and shall not apply to a gift or sale of raw milk by a farmer on his own premises to a person who brings his own container and takes it away.' "

"This amendment in effect would seriously cripple the laudable purpose of the bill by allowing milk produced for the pet animal market to be sold for human consumption.

"For the reasons indicated I veto the amendment made to section 17 of the Act. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 286.

[H. B. 248.]

RETIREMENT OF JUDGES.

AN ACT relating to the retirement system for supreme and superior court judges; amending section 3, chapter 229, Laws of 1937, as last amended by section 1, chapter 243, Laws of 1957, and RCW 2.12.030; and adding two new sections to chapter 229, Laws of 1937 and to chapter 2.12 RCW.

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

New section.

SECTION 1. There is added to chapter 229, Laws of 1937 and to chapter 2.12 RCW a new section to read as follows:

Retirement of judges. Partial retirement pension—Basis to compute—Date to receive.

Any judge of the supreme or superior court of the state who shall leave judicial service at any time after having served as a judge of either of such courts for an aggregate of twelve years shall be eligible to a partial retirement pension in a percentage of the pension provided in chapter 2.12 RCW as determined by the proportion his years of judicial service bears to eighteen and shall receive the same upon attainment of age seventy, or eighteen years after the commencement of such judicial service, whichever shall occur first.

New section.

SEC. 2. There is added to chapter 229, Laws of 1937 and to chapter 2.12 RCW, a new section to read as follows:

Additional pension benefits—Basis to compute—Maximum total pension.

In the event any judge of the supreme or superior court of the state serves more than eighteen years in the aggregate as computed under RCW 2.12.010, he shall receive in addition to any other pension benefits to which he may be entitled under chapter 2.12 RCW, an additional pension benefit based upon one-eighteenth of his salary for each year of full service after eighteen years, provided his total pension shall not exceed seventy-five percent of the monthly salary he was receiving as a judge at the time of his retirement.

SEC. 3. Section 3, chapter 229, Laws of 1937, as last amended by section 1, chapter 243, Laws of 1957, and RCW 2.12.030 are each amended to read as follows:

RCW 2.12.030
amended.

Every judge of the supreme or superior court of the state who retires from office under the provisions of this chapter other than as provided in section 1 hereof shall be entitled to receive monthly during the period of his natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary he was receiving as a judge at the time of his retirement, or at the end of the term immediately prior to his retirement if his retirement is made after expiration of his term. The widow of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of his death, if she had been married to him for three years, if she had been his wife prior to his retirement, shall be paid an amount equal to one-half of the retirement pay for her husband, as long as she remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the widow of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of his death had served ten or more years in the aggregate as a judge of the supreme or superior court or both, or had served an aggregate of twelve years in either the supreme or superior court if such pension rights are based upon section 1 of this amendatory act.

Amount
and time of
payment—
Widow's
benefit.

Sec. 4. Payments to any retired judge as provided for in chapter 2.12 RCW shall be reduced by any amount received under social security.

Vetoed.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 4, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"Section 1 of House Bill No. 248 makes a supreme court justice, or a judge of the superior court, eligible for retirement on a partial pension after 12 years of service, or after having reached the age of 70 years.

"Section 2 allows judges after 18 years' service, 1/18th additional pension for each year served after 18 years up to a maximum of 75% of the salary received by a judge at the time of retirement.

"Section 3 permits a widow who has been married for 3 years previous to the judge's retirement, to receive $\frac{1}{2}$ of the pension of the retired judge. This section also strikes the provision which would have reduced pension benefits payable to a judge's widow by any amount received by the widow pursuant to O.A.S.I. or other state or Federal law. This section also allows the widow to receive one-half of the pension to which a judge, under this new bill, becomes entitled after having served 12 years on the bench, or after having reached the age of 70 years.

"Believing as I do in a strong, independent, and adequately compensated judiciary, I commend the members of the Legislature in having made the improvements outlined in the preceding paragraphs. These improvements will unquestionably result in experienced judges remaining on the bench subsequent to the time when they would be entitled to retire. Thus, the State will benefit by being able to avail itself for a longer period of time, of the experience and wisdom that these judges have acquired after serving on the bench for 18 years. In addition, these provisions will result in economy because it costs less to keep on the bench an experienced judge, than to pay a retirement pension and at the same time replace the retired judge with a new one.

"This bill is approved with the exception of section 4 which is vetoed. Section 4 provides that the pension of a retired judge shall be reduced by any amount received under social security. In the first place, I am convinced that section 4 is unconstitutional because the pension rights involved here are contractual in nature and become vested at the time a judge ascends to the bench. Thus the Legislature, with reference to all judges now serving, cannot constitutionally alter the provisions of the existing contract between the State and the members of the judiciary.

"Secondly, I recognize that the contribution which the State makes to the judge's pension is really in the nature of compensation for services previously rendered for which full and adequate compensation was not received at the time of the rendition of the service. In order to attract in the future, able practitioners of the bar, it is necessary to provide adequate economic inducements. Many capable lawyers have refused to enter the judicial service because of the financial sacrifice involved. To compensate for these sacrifices, a system of liberal pensions is indispensable. The State of Washington permits all state employees to receive in addition to state retirement benefits, O.A.S.I. benefits. It would be discriminatory against the judges not to allow them to receive these benefits.

"Thirdly, the contributions made by the judges to social security are made solely at their own expense. If the judges have elected to avail themselves of O.A.S.I. benefits, and are willing to pay for these benefits out of their own pockets, it would be unfair and discriminatory for you to deprive them of these benefits.

"For the reasons indicated, I veto section 4. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 287.

[H. B. 339.]

SELECTION OF JURORS IN SUPERIOR COURT.

AN ACT relating to the selection of jurors in the superior court; amending section 3, chapter 57, Laws of 1911, as last amended by section 1, chapter 238, Laws of 1943 and RCW 2.36.060.

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

SECTION 1. Section 3, chapter 57, Laws of 1911, as last amended by section 1, chapter 238, Laws of 1943 and RCW 2.36.060 are each amended to read as follows:

RCW 2.36.060
amended.

The judge or judges of the superior court of each county shall divide the county into not less than three 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.

Petit juries—
How drawn—
Jury list—
Procedure.

For the purposes of this section the clerk or comptroller of each incorporated city or town designated as registrar of voters by Title 29 RCW, (sections 5114-1 to 5114-31, Remington's Revised Statutes, Supplement) except the registrars of voters in the city or town which is the county seat of any county, shall prepare annually from the original registration files of voters of such city or town a list, divided into the respective voting precincts, specifying with respect to each name appearing on said list all the information upon the original registration card of each qualified voter, and shall certify and file such list with the county auditor of his county on or before the first day of June of each year.

During the month of July of each year, the judge or judges of the superior court for each county shall select by lot, in the manner hereinafter set forth,

from said lists and from the original registration files of voters of the city or town which is the county seat of the county, and from the original registration files of rural precincts of voters in the office of the county auditor of said county, and enter in a book kept for that purpose and shall certify and file with the county clerk a jury list containing the names of a sufficient number of qualified persons to serve as jurors until the first day of August of the next calendar year. The judge or judges may call (but are not required to call) one or more electors from each or any of the jury districts to advise in the selection. Each such elector shall receive for his services the sum of five dollars per day and the mileage allowed sheriffs, upon vouchers approved by the judge or presiding judge of the county. In making the selection of jurors the judge or judges shall be bound by the list of names filed with the county clerk as in this section provided. At any time and from time to time the judges may add to the jury list in the same manner, and when this is done a certified list of the names added shall be filed with the clerk.

The number of persons selected from the several jury districts shall be as nearly as possible in proportion to the number of names on the list certified and filed with the county clerk for the several districts. Any woman who upon being listed upon the list as in this section provided shall claim her exemption to serve as a juror, shall not be listed in the preparation of the list of jurors.

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 appearing in the jury list for each district upon slips of paper, which shall be similar in size, quality of paper, and writing, shall deposit such slips in the jury box of the proper district. At the time of the drawing

of names for any venire there must be in the jury boxes at least five times as many names as the number of names to be drawn.

The jury list shall be selected by the judge or judges in the following manner:

(1) The selection of precincts from which names are to be selected shall be by lot;

(2) The number of jurors selected from each precinct selected under subsection (1) shall, insofar as practicable, be equal;

(3) The selection of prospective jurors within a given precinct shall be by selection of names in a given and identical numbered sequence based upon the number of jurors to be selected therefrom.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 288.

[H. B. 515.]

PRACTICE OF NURSING.

AN ACT relating to nursing; and amending section 4, chapter 202, Laws of 1949 and RCW 18.88.030; amending section 5, chapter 202, Laws of 1949 and RCW 18.88.050; amending section 6, chapter 202, Laws of 1949 and RCW 18.88.060; amending section 8, chapter 202, Laws of 1949 and RCW 18.88.080; amending section 9, chapter 202, Laws of 1949 and RCW 18.88.090; amending section 10, chapter 202, Laws of 1949 and RCW 18.88.100; amending section 13, chapter 202, Laws of 1949 and RCW 18.88.130; amending section 14, chapter 202, Laws of 1949 and RCW 18.88.140; amending section 15, chapter 202, Laws of 1949 and RCW 18.88.150; amending section 16, chapter 202, Laws of 1949 and RCW 18.88.160; amending section 19, chapter 202, Laws of 1949 and RCW 18.88.190; amending section 20, chapter 202, Laws of 1949 and RCW 18.88.200; amending section 28, chapter 202, Laws of 1949 and RCW 18.88.280; and adding new sections to chapter 18.88 RCW.

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

RCW 18.88.030 amended.

SECTION 1. Section 4, chapter 202, Laws of 1949 and RCW 18.88.030 are each amended to read as follows:

Registered nurses. Definitions—Construction—Exceptions.

Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of professional nursing means the performance for compensation of any act in the observation, care and counsel of the ill, injured or infirmed, or in the maintenance of health or prevention of illness of others, or in the supervision and teaching of other personnel, or the administration of medications and treatments as prescribed by a licensed physician, osteopathic physician and surgeon, dentist or chiropodist; requiring substantial specialized judgement and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a graduate nurse or registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of licenses.

The term "director" means the director of licenses.

The term "council" means the nurse planning council.

The terms "nurse" or "nursing" wherever they occur in chapter 18.88 RCW, unless otherwise specified, for the purposes of this act shall mean a professional nurse or professional nursing.

Sec. 2. Section 5, chapter 202, Laws of 1949 and RCW 18.88.050 are each amended to read as follows:

On or before July 1, 1949, the governor shall appoint a rotating board of not less than five members. The members of the first board shall be appointed to serve the following terms, beginning July 1, 1949: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Thereafter the terms shall be for five years. No person shall be eligible to serve for more than two five-year terms. The executive secretary as hereinafter provided for shall be an ex officio member of the board. After July 1, 1961, whenever any vacancy on the board of nursing shall occur or is about to occur, the governor shall request the Washington state nurses association to submit a list of ten qualified registered nurses as nominees for appointment to such vacancy. If such list shall be submitted by the Washington state nurses association within ten days following such request, the governor may fill such vacancy from among the nominees so submitted.

Vetoed.

The governor may remove any member from the board for neglect of any duty required by law, or for incompetency or unprofessional or dishonorable conduct. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as herein provided.

SEC. 3. Section 6, chapter 202, Laws of 1949 and RCW 18.88.060 are each hereby amended to read as follows:

RCW 18.88.060 amended.

Board of
nursing.
Qualifications
of members.

Each member of the board shall be a citizen of the United States and a resident of this state and shall be a registered professional nurse under the provisions of this chapter, and shall have had not less than five years' experience in the practice of nursing following graduation from an accredited school of nursing and shall have been actively engaged in the practice of nursing within two years immediately prior to the time of her appointment or shall have graduated from a four-year accredited college with a major in nursing education and shall have had at least five years successful experience in administration or teaching in a nursing educational program.

RCW 18.88.080
amended.

SEC. 4. Section 8, chapter 202, Laws of 1949, and RCW 18.88.080 are each amended to read as follows:

Powers of
board—Com-
pensation of
members.

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall prescribe curricula and standards for schools preparing persons for licensure under this chapter. It shall accredit such schools for professional nurses as meet the requirements of this chapter and of the board. It shall evaluate and approve courses offered by institutions or agencies for affiliation of student nurses. It shall examine all applicants for registration under this chapter and shall certify to the director for licensing duly qualified applicants. It shall keep a record of all its proceedings and make an annual report to the governor.

The director shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to necessary travelling and incidental expenses while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties.

SEC. 5. Section 9, chapter 202, Laws of 1949 and RCW 18.88.090 are each amended to read as follows:

The director shall appoint a supervisor of nursing who shall act as executive secretary of the board to carry out the provisions of this chapter. The director shall also appoint such assistant supervisors as shall be necessary to carry out the provisions of this chapter. The director shall fix the compensation and provide for necessary travel expenses for all such appointees.

Supervisor of nursing—
Assistant supervisors.
Appointment, compensation.

SEC. 6. Section 10, chapter 202, Laws of 1949 and RCW 18.88.100 are each amended to read as follows:

Supervisors of nursing and assistant supervisors shall have the same qualifications as are specified for a member of the board of nursing except that they shall have a minimum of eight years' experience in professional nursing, five years of which shall have been in teaching or in administration of a program preparing nursing practitioners or in a combination of both, and they shall have been actively engaged in nursing education for a period of three years prior to the time of appointment.

—Qualifications.

SEC. 7. Section 13, chapter 202, Laws of 1949 and RCW 18.88.130 are each amended to read as follows:

An applicant for a license to practice professional nursing shall submit to the board written evidence that said applicant (1) has completed at least an approved high school course of study or the equivalent thereof as determined by the board and shall meet such other preliminary qualification requirements as the board shall prescribe; (2) has completed the basic professional curriculum in an accredited school of nursing and has been issued a diploma therefrom; (3) is of good moral character; (4) is in good physical and mental health.

Qualifications of applicants for license.

SEC. 8. Section 14, chapter 202, Laws of 1949 and RCW 18.88.140 are each amended to read as follows:

RCW 18.88.140 amended.

Examinations
—Permits to
practice.

The applicant shall be required upon written application to pass a written examination in such subjects as the board may determine. When an applicant has been issued a diploma from an accredited school of nursing, in the interval before examinations are offered, he may be issued a permit to practice as a professional nurse pending the first succeeding date of examination. Such permits are to be issued for a period of not longer than six months. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, as determined by the board, the director shall issue to the applicant a license to practice nursing as a registered professional nurse. Those applicants who fail the first examination may be allowed to submit themselves for one subsequent examination without payment of any additional fee if such examination is to be held within one year of the first failure. Applicants who fail to satisfactorily complete examinations on second attempt shall be required to complete such courses or nursing practice as prescribed by the board in order to be eligible for subsequent examinations. Written evidence of satisfactory completion of such required courses or nursing practice shall be submitted to the board.

RCW 18.88.150
amended.

SEC. 9. Section 15, chapter 202, Laws of 1949 and RCW 18.88.150 are each amended to read as follows:

Reciprocity.

The director of licenses after approval by the board, written application, and evidence of qualification, may issue a license to practice nursing as a registered professional nurse without examination, to an applicant who has been duly licensed or registered as a registered nurse by examination under the laws of another state, territory or foreign country, if in the opinion of the board the applicant meets or at the time of graduation met the qualifications required of registered professional nurses in this state.

SEC. 10. Section 16, chapter 202, Laws of 1949 and RCW 18.88.160 are each amended to read as follows:

Each applicant for a license to practice as a registered, professional nurse shall pay a fee of twenty dollars to the state treasurer.

SEC. 11. Section 19, chapter 202, Laws of 1949 and RCW 18.88.190 are each hereby amended to read as follows:

Every license issued under the provisions of this chapter shall be annually renewed, except as hereinafter provided. On or before January 1st, the director shall mail a notice for renewal of license to every person licensed for the current year. The applicant shall return the notice to the state treasurer with a renewal fee of three dollars before March 1st. Upon receipt of the notice and fee the director shall issue to the applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st of that year. Such certificate of renewal shall render the holder thereof a legal practitioner of professional nursing for the period stated on the certificate of renewal.

SEC. 12. Section 20, chapter 202, Laws of 1949 and RCW 18.88.200 are each amended to read as follows:

After March 1st, any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty of two dollars. If the applicant fails to renew the license before December 31st of that year, the license shall be issued for the next year by the director upon written application and fee of twenty dollars.

SEC. 13. Section 28, chapter 202, Laws of 1949 and RCW 18.88.280 are each amended to read as follows:

This chapter shall not be construed as conferring any authority to practice medicine or to undertake the treatment or care of disease, pain, injury, deformity or physical condition in violation of chapter 18.71 RCW; nor shall it be construed as conferring

any authority to practice osteopathy or osteopathy and surgery in violation of chapter 18.57 RCW; nor shall it be construed as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this chapter, or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; nor shall it be construed as prohibiting such practice of nursing by students enrolled in accredited schools as may be incidental to their course of study nor shall it prohibit such students working as nursing aides; nor shall it be construed as prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals or elsewhere under the direction of licensed physicians or the supervision of licensed, registered nurses; nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this chapter; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties.

SEC. 14. There is added to chapter 202, Laws of 1949 and to chapter 18.88 RCW a new section to read as follows: New section.

A professional nurse under her license may perform for compensation nursing care (as that term is usually understood) of the ill, injured or infirm, and in the course thereof, she is authorized to do the following things which shall not be done by any person not so licensed: Acts enumerated to be performed only by licensed nurse.

(1) At or under the general direction of a licensed physician, dentist, osteopath or chiropodist (acting within the scope of his license) to administer medications, treatments, tests and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required.

(2) To delegate to other persons engaged in nursing, the functions outlined in the preceding paragraph.

(3) To instruct students of nursing in technical subjects pertaining to nursing.

(4) To hold herself out to the public or designate herself as a registered nurse or professional nurse.

SEC. 15. There is added to chapter 202, Laws of 1949 and to chapter 18.88 RCW a new section to read as follows: New section.

The board of nursing may at its option by injunctive proceedings instituted by the attorney general, prevent the practice of professional nursing by any person not validly licensed. Injunctive relief available.

SEC. 16. There is added to chapter 202, Laws of 1949 and to chapter 18.88 RCW a new section to read as follows: New section.

Any person not holding a valid license or certificate of registration to practice nursing issued by authority of the state but who is otherwise qualified and who has also practiced professional nursing in this state for at least one year within the immediate Period set to be licensed in —Requisites.

five year period prior to making application, may become licensed to practice upon making application within eighteen months after the effective date of this 1961 amendatory act, and upon passing an examination given by the board.

Passed the House February 26, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 2, which is vetoed.

Veto message, excerpt.

NOTE: Excerpt of Governor's veto message reads as follows:

"I disapprove and veto section 2 of the bill.

"The bill as a whole makes a number of desirable changes affecting the nursing profession.

"The major purpose of the amendment contained in section 2 of the bill is to require me to appoint to the Board of Nursing, nominees selected initially by the Washington State Nurses Association. Increasingly, the Legislature is restricting appointments to various boards and commissions to lists initially selected by the profession involved. In the past, the appointments which I have made to the Washington State Board of Nursing have been accepted without criticism, and the members appointed by me to this board at my sole discretion, have served well.

"I see no reason why a change should be made restricting this free choice on my part. If any person appointed by me to this board should render inadequate service, I will be held responsible for the actions of a member appointed by me. I therefore feel that my choice of appointments should remain free and unrestricted.

"With the exception of section 2, which is vetoed, the remainder of House Bill No. 515 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 289.

[H. B. 207.]

DIRECTOR OF AERONAUTICS.

AN ACT relating to the state aeronautics commission; and amending section 4, chapter 165, Laws of 1947 and RCW 14.04.040.

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

RCW 14.04.040 amended.

SECTION 1. Section 4, chapter 165, Laws of 1947 and RCW 14.04.040 are each amended as follows:

A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard

to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly invested in and imposed upon him. He shall devote his entire time to the duties of his office and perform such services as the commission shall authorize and direct, and not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive a salary of not to exceed nine thousand five hundred dollars per year to be fixed by the commission, and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

Director of
aeronautics—
Qualifications—
—Salary—
Duties.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

The director shall appoint, subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by this

chapter. Such delegated powers and duties may be exercised by the director in the name of the commission.

Passed the House February 15, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 290.

[H. B. 211.]

REDESIGNATING WASHINGTON PUBLIC SERVICE
COMMISSION AS WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION.

AN ACT relating to the Washington public service commission; and adding a new section to chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 80.01 RCW.

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

New section.

SECTION 1. There is added to chapter 14, Laws of 1961 (House Bill No. 5) and to chapter 80.01 RCW a new section to read as follows:

Commission redesignated.

From and after the effective date of this act the Washington public service commission shall be known and designated as the Washington utilities and transportation commission.

Passed the House February 8, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 291.

[H. B. 458.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the state employees' retirement system; amending section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 231, Laws of 1957, and RCW 41.40.010; amending sections 3, 4, and 7, chapter 274, Laws of 1947, and RCW 41.40.030, 41.40.040, and 41.40.065; amending section 8, chapter 274, Laws of 1947, as last amended by section 1, chapter 220, Laws of 1955, and RCW 41.40.070; amending section 20, chapter 274, Laws of 1947, as last amended by section 11, chapter 200, Laws of 1953, and RCW 41.40.190; amending section 23, chapter 274, Laws of 1947, as last amended by section 12, chapter 200, Laws of 1953, and RCW 41.40.220; amending section 26, chapter 274, Laws of 1947, as amended by section 13, chapter 200, Laws of 1953, and RCW 41.40.250; amending section 28, chapter 274, Laws of 1947, as last amended by section 1, chapter 201, Laws of 1953 and by section 14, chapter 200, Laws of 1953, and RCW 41.40.270; amending section 30, chapter 274, Laws of 1947, as last amended by section 6, chapter 277, Laws of 1955, and RCW 41.40.290; amending section 4, chapter 231, Laws of 1957 and RCW 41.40.361; amending section 38, chapter 274, Laws of 1947, as amended by section 26, chapter 240, Laws of 1949, and RCW 41.40.370; amending section 43, chapter 274, Laws of 1947, as last amended by section 19, chapter 200, Laws of 1953, and RCW 41.40.410; repealing sections 1 and 2, chapter 284, Laws of 1953, and RCW 41.40.085 and 41.40.087; repealing section 1, chapter 202, Laws of 1953, as amended by section 1, chapter 234, Laws of 1955, and RCW 41.32.495 and 41.40.127; repealing section 1, chapter 253, Laws of 1959, and RCW 41.32.496 and 41.40.127; and declaring an emergency.

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

SECTION 1. Section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 231, Laws of 1957, and RCW 41.40.010 are each amended to read as follows:

RCW 41.40.010 amended.

As used in this chapter, unless a different meaning is plainly required by the context:

State employees' retirement. Terms defined.

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retire-

ment at age seventy as found in RCW 41.40.190 (4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered eight or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be

considered as service as a state employee: *Provided*, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947;

(b) In the case of all other members, all service as a member.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine, such rate not to be lower than one percent per annum nor more than four percent per annum compounded annually.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five year period of service for which service credit is allowed; or if he has less than five years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for

which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

RCW 41.40.030 amended.

Retirement board—Employee representatives, election of.

SEC. 2. Section 3, chapter 274, Laws of 1947, and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of seven members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, and three employee representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by members in their classification of employment for a term of three years: *Provided*, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to the effective date of this amendment shall continue until the expiration of the period of time for which such employee representative was appointed. The members of the system shall be divided into three classifications of employment for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; and classification C shall consist of all members not included in classification A or B. Each member shall have the right to vote only for an employee representative from his respective classification.

The first election will be held to elect a representative from classification C whose term shall begin July 1, 1961; the second election will be held to elect a representative from classification B whose term shall begin July 1, 1962; the third election will be held to elect a representative from classification A whose term shall begin July 1, 1963.

Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of May of the year in which the vacancy in the classification occurs, file with the executive secretary of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification. The election shall be conducted under the supervision of the state employees' retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the executive secretary not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all employee representatives shall commence on the first day of July following their election.

SEC. 3. Section 4, chapter 274, Laws of 1947, and RCW 41.40.040 are each amended to read as follows:

RCW 41.40.040
amended.

(1) Any vacancy occurring by reason of resignation, death or disability ninety days or more before the expiration of the term of any employee representative of the retirement board shall be filled by appointment by the other members of the retirement board. The person appointed shall be a member of the same classification as was the employee repre-

Vacancies—
Effect of non-
attendance.

sentative to whose position he is appointed. The employee representative thus appointed shall serve until the vacancy is filled by the election of a member of the same classification. In the event the unexpired term will not end in the next ensuing July, an election to fill the unexpired term shall take place at the same time as the next forthcoming regular election of an employee representative to the board, and shall be conducted in accordance with the same procedure as governs such regular election.

(2): Any employee representative of the retirement board who fails to attend the scheduled meetings of the retirement board for three consecutive months or longer, without valid excuse, shall be considered as having resigned from board membership and the retirement board shall declare his office vacated as of the adoption of a proper resolution, and proceed to fill the vacancy as herein provided.

RCW 41.40.065
amended.

SEC. 4. Section 7, chapter 274, Laws of 1947, and RCW 41.40.065 are each amended to read as follows:

Mortality,
service and
other tables.

The retirement board shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system; and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. At least once in each five year period, the retirement board shall cause an actuarial investigation to be made into the mortality, service, compensation, and other experience of the members and beneficiaries of the retirement system. Upon the basis of such actuarial investigation the retirement board shall adopt from time to time such tables as are deemed necessary for the proper operation and funding of the retirement system and for making effective the provisions of this chapter.

Sec. 5. Section 8, chapter 274, Laws of 1947, as last amended by section 1, chapter 220, Laws of 1955, and RCW 41.40.070 are each amended to read as follows:

(1) The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to authorize the finance committee to invest same in bonds or other obligations issued directly by or fully guaranteed by the federal government or any agency thereof, of the state of Washington or of any county, city, village or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the state of Washington or any of its political subdivisions or instrumentalities, or in general obligation and revenue bonds issued by any state of the United States, or in any duly constituted authority or agency of such state, or in the general obligation or revenue bonds of any political subdivision of any state of the United States that are legal for investment by mutual savings banks in the state of Washington. All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the retirement board. The retirement board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases shall in the judgment of said retirement board be appropriate or necessary to carry out the purposes of this chapter.

Vetoed.

(2) For the purpose of meeting disbursements for annuities and other payments in excess of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided for by this chapter, on deposit in the state treasury.

RCW 41.40.190
amended.

SEC. 6. Section 20, chapter 274, Laws of 1947, as last amended by section 11, chapter 200, Laws of 1953, and RCW 41.40.190 are each amended to read as follows:

Retirement
allowances.

Upon retirement from service, as provided for in RCW 41.40.180, a member shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (5) of this section, which shall be equal to one one-hundred twentieth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than seven hundred twenty dollars per annum if such member has fifteen or more years of service credit, or less than eight hundred forty dollars per annum if such member has twenty or more years of service credit, or less than nine hundred sixty dollars per annum if such member has twenty-five or more years of service credit, or less than one thousand and eighty dollars per annum if such member has more than thirty years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than

the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) To be eligible to receive the annuity portion derived from the member's accumulated contributions under subdivision (1) and the pension portions provided by the employer under subdivisions (2) and (3) of this section, a new member must have at least five years of membership service credited to his service account, unless he becomes eligible for benefits provided for herein under RCW 41.40.200, 41.40.210 and 41.40.220.

(6) Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180 (2), 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowances paid to members eligible to retire under any other provisions of this chapter shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

SEC. 7. Section 23, chapter 274, Laws of 1947, as last amended by section 12, chapter 200, Laws of 1953, and RCW 41.40.220 are each amended to read as follows:

RCW 41.40.220 amended.

Upon retirement for disability, as provided in RCW 41.40.200, a member who has not attained age sixty shall receive the following benefits, subject to the provisions of RCW 41.40.310 and 41.40.320:

Allowance on retirement for duty disability — Before sixty.

(1) A disability retirement pension of two-thirds of his average final compensation to his attainment of age sixty, subject to the provisions of RCW

41.40.310. The disability retirement pension provided by the employer shall not exceed twenty-four hundred dollars per annum, and

(2) Upon attainment of age sixty, the disabled member shall receive a pension, as provided for in RCW 41.40.190, subdivisions (2), (3), and (4), together with an annuity which shall be the equivalent of the annuity he would have received had he continued contributions to the employees' savings fund; said contributions to be based upon his final compensation at the time of his disability.

(3) During the period a disabled member is receiving a disability pension, as provided for in subdivision (1) of this section, his contributions to the employees' savings fund shall be suspended and his balance in the employees' savings fund, standing to his credit as of the date his disability pension is to begin, shall remain in the employees' savings fund: *Provided*, That if the disabled member should die before attaining age sixty, while a disability beneficiary, upon receipt by the retirement board of proper proof of death, his accumulated contributions standing to his credit in the employees' savings fund, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board: *Provided, however*, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representative.

and RCW 41.40.250 are each amended to read as follows:

Upon retirement for disability, as provided in RCW 41.40.230, a member who has not attained age sixty shall receive a disability retirement allowance, subject to the provisions of RCW 41.40.310 and 41.40.320. Upon attaining age sixty he shall receive a service retirement allowance as provided for in RCW 41.40.190 except that the annuity portion thereof shall consist of a continuation of the cash refund annuity previously provided to him. His disability retirement allowance prior to age sixty shall consist of:

Allowance on retirement for nonduty disability—
Before sixty.

(1) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A pension, in addition to the annuity, equal to one one-hundred twentieth of his average final compensation for each year of service. The pension provided by the employer under this paragraph shall not exceed fifteen hundred dollars per annum; and the total disability retirement allowance, consisting of subdivisions (1) and (2) of this section, shall not exceed eighteen hundred dollars per annum, or one-half of the retiring member's average final compensation whichever is the smaller. If the recipient of a retirement allowance under this section shall die before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives.

RCW 41.40.270
amended.

SEC. 9. Section 28, chapter 274, Laws of 1947, as last amended by section 1, chapter 201, Laws of 1953 and by section 14, chapter 200, Laws of 1953, and RCW 41.40.270 are each amended to read as follows:

Death before
retirement—
Contributions
to nominee,
surviving
spouse or legal
representative.

Should a member die before the date of his retirement the amount of the accumulated contributions standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board: *Provided*, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives: *Provided, however*, That this section, unless elected, shall not apply to any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more, or at an attained age of sixty years but less than seventy years having fifteen or more years of total service or ten or more years of membership service, or at any age having thirty or more years total service, all as provided for in RCW 41.40.290 when said member has elected option II or has a surviving spouse.

RCW 41.40.290
amended.

SEC. 10. Section 30, chapter 274, Laws of 1947, as last amended by section 6, chapter 277, Laws of 1955, and RCW 41.40.290 are each amended to read as follows:

Optional
allowances.

Except as provided by RCW 41.40.250, any member may elect, in accordance with the provisions of this section and in lieu of a regular retirement allowance payable throughout life with termination at death, to receive as an optional retirement allowance

the actuarial equivalent, at the time of his retirement, of his regular retirement allowance in accordance with the provisions of options I, II, and III, as hereinafter set forth. No election of an optional retirement allowance shall be effective in case the member making such election dies before his actual retirement date: *Provided*, That any option selected in writing by any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more shall be effective and in any such case if no such option shall have been selected, then option II shall automatically be given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse is entitled to take payment under RCW 41.40.270 and elects to do so: *Provided, however*, That any member who shall hereafter die while still in service at an attained age of sixty years but less than seventy years and who has fifteen or more years of total service or ten or more years of membership service, or who has thirty or more years of total service regardless of age shall have option II automatically given effect as if in fact selected for the benefit of the surviving spouse, unless such spouse is entitled to take payment under RCW 41.40.270 and elects to do so.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representatives; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

RCW 41.40.361
amended.

SEC. 11. Section 4, chapter 231, Laws of 1957 and RCW 41.40.361 are each amended to read as follows:

Employer's
contribution.

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: *Provided*, That as to state employers the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined

percentage rate of six percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than that percentage of annual compensation of all members in the retirement system at the date of such subsequent valuation which is equivalent to four percent of the unfunded liability of the system. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability

contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution at a rate equal to not less than twenty-five percent of the sum of the normal contribution rate and the unfunded liability contribution rate until such time as the sum of such additional contributions equals the amount of contributions which such employer would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: *Provided*, All additional contributions hereunder and under the provisions of RCW 41.40.160 (2) must be completed within ten years from the date of the employer's admission.

RCW 41.40.370
amended.

SEC. 12. Section 38, chapter 274, Laws of 1947, as amended by section 26, chapter 240, Laws of 1949, and RCW 41.40.370 are each amended to read as follows:

Employer's
contribution—
Computation
—Billing.

(1) The retirement board shall ascertain and report to each employer the amount it shall provide for pension benefits for the ensuing biennium or fiscal year whichever is applicable to the said employer's operations. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the rates established by RCW 41.40.361 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The retirement board shall bill each said employer at the end of each month for the amount due for that

month and the same shall be paid as are its other obligations: *Provided*, That the retirement board may, at its discretion, establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter and shall be based upon the employer's payrolls for that quarter.

SEC. 13. Section 43, chapter 274, Laws of 1947, as last amended by section 19, chapter 200, Laws of 1953, and RCW 41.40.410 are each amended to read as follows:

RCW 41.40.410
amended.

The employees and appointive and elective officials of any political subdivision of the state may become members of the retirement system by the approval of the local legislative authority. Each such political subdivision becoming an employer under the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.360 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various ac-

Optional entry
of system by
political sub-
divisions.

counts in accordance with the transfer of the members from one employer to another.

Repeal. SEC. 14. Section 1, chapter 284, Laws of 1953, and RCW 41.40.085 are each repealed.

Repeal. SEC. 15. Section 2, chapter 284, Laws of 1953, and RCW 41.40.087 are each repealed.

Repeal. SEC. 16. Section 1, chapter 202, Laws of 1953, as amended by section 1, chapter 234, Laws of 1955, and RCW 41.32.495 and 41.40.127 are each repealed.

Repeal. SEC. 17. Section 1, chapter 253, Laws of 1959, and RCW 41.32.496 and 41.40.127 are each repealed.

Severability. SEC. 18. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency. SEC. 19. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government, and shall take effect immediately.

Passed the House March 9, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 5, which is vetoed.

Veto message, excerpt. NOTE: Excerpt of Governor's veto message reads as follows:

"This bill is approved with the exception of section 5 which is vetoed.

"Section 5 in the original form of the bill contained several amendments to RCW 41.40.070. However, the Senate during the passage of this bill, struck each and every one of the amendments contained in the original bill so that in its final form, section 5 as passed by both Houses of the Legislature, restores the original language contained in RCW 41.40.070.

"Senate Bill No. 288 amends the identical section; to wit: RCW 41.40.070 by allowing the State Employees' Retirement System Board to invest retirement funds in motor vehicle fund warrants which are issued to pay the costs of acquisition of real property and property rights necessary for the improvement of the State highway system. By allowing retirement funds to be invested in such warrants, the Highway Commission is enabled to acquire right of ways up to six years prior to construction. Such allowance of prior acquisition will result in substantial savings to the State.

"In order to make sure that the provisions contained in section 9 of Senate Bill No. 288 shall prevail, it is necessary to veto section 5 of this bill.

"For reasons indicated, section 5 is vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 292.

[H. B. 556.]

INHERITANCE TAXES.

AN ACT relating to inheritance taxes; amending section 83.04-.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.010; amending section 83.04.030, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.030; amending section 83.04.040, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.040; amending section 83.16.080, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.16.080; amending section 83.24.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.24.010; amending section 83.32.020, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.32.020; amending section 83.40.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.40.010; and amending section 83.44.110, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.44.110.

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

SECTION 1. Section 83.04.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.010 are amended, divided, and recodified as set forth in sections 2 through 8 of this act.

RCW 83.04.010
amended,
divided,
recodified.

SEC. 2. (83.04.010) All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass

RCW 83.04.010.
Inheritance
taxes.
Property sub-
ject to tax.

(1) by will or by the statutes of inheritance of this or any other state or

(2) by deed, grant, sale, contract or gift made in contemplation of the death of the grantor, or donor, or

(3) by deed, grant or sale, contract or gift made or intended to take effect in possession or in enjoyment after death of the grantor, or donor, to any person in trust or otherwise, or

(4) by a transfer in trust or otherwise, under which the grantor or donor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom shall, for the use of the state, be subject to a tax as provided for in chapter 83.08 measured by the full value of the entire property after deduction of the amounts allowable under RCW 83.04.013.

RCW 83.04.013.
Deductions
allowable.

SEC. 3. (83.04.013) All debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisement made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed one thousand dollars, and no other sum, shall be allowable as deductions from the gross value of the entire property, but said debts shall not be deducted unless the same are allowed or established within the time provided by law.

RCW 83.04.015.
Personal
liability.

SEC. 4. (83.04.015) All administrators, executors, and trustees, and any grantee under a conveyance, and any donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all taxes to be paid by them, with interest as hereinafter provided until the same shall have been paid.

SEC. 5. (83.04.020) Whenever property, real or personal, other than real property held by the entirety, is held in the joint name of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of the inheritance tax provisions of this title in the same manner as though the whole property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or tenants, person or persons by such deceased joint tenant or joint depositor by will, excepting therefrom such parts thereof as may be shown to have originally belonged to such surviving joint tenant, joint depositor or person, and never to have been acquired from the decedent for less than a fair consideration in money or money's worth, and if said property shall have been acquired from decedent for less than such fair consideration, there shall be excepted from the value of said property a portion equal to the amount of the consideration so furnished.

RCW 83.04.020.
Joint property
and deposits.

SEC. 6. (83.04.023) Unless the tax is sooner paid in full, it shall be a lien upon the gross estate of the decedent for ten years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the tax commission is satisfied that the tax liability of an estate has been fully discharged or provided for, it may, under regulations prescribed by it, issue its certificate, releasing any or all property of such

RCW 83.04.023.
Lien of tax.

estate from the lien herein imposed. The limitation period shall in each case be extended for a period of time equal to the period of pendency of litigation of questions affecting the determination of the amount of tax due, provided a lis pendens has been filed with the county auditor.

Any part of the gross estate as is sold, pursuant to an order of the court for the payment of charges against the estate and the expenses of its administration, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of court for payment of charges against the estate and expenses of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds.

RCW 83.04.025.
Transfers to
take effect
after death.

SEC. 7. (83.04.025) Except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, if the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death

(1) the possession or enjoyment of, or the right to the income from, the property, or

(2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, and the tax in respect thereto is not paid when due, then the transferee, or trustee shall be personally liable therefor and such property, to the extent of the decedent's interest therein at the time of the transfer shall be subject to a lien equal to the amount of the tax. Any part of such property sold

by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

SEC. 8. (83.04.027) If insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if the tax in respect thereto is not paid when due, then the beneficiary shall be personally liable therefor, and such property, to the extent of the beneficiary's interest under such contract of insurance shall be subject to a lien equal to the amount of the tax.

RCW 83.04.027.
Transfer of
insurance.

SEC. 9. Section 83.04.030, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.030 are each amended to read as follows:

RCW 83.04.030
amended.

Except as to the limitations and exemptions prescribed for each class by chapter 83.08 and except as to real property located outside the state passing in fee from the decedent owner, the tax imposed under chapter 83.08 shall be assessed against and be collected from property of every kind, which, at the death of the decedent owner is subject to, or thereafter, for the purpose of distribution, is brought into this state and becomes subject to the jurisdiction of the courts of this state for distribution purposes, or which was owned by any decedent domiciled within the state at the time of the death of such decedent, even though the property of said decedent so domiciled was situated outside of the state.

Property out-
side state.

SEC. 10. Section 83.04.040, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.04.040 are each amended to read as follows:

RCW 83.04.040
amended.

Nothing in the inheritance tax provisions of this title shall be construed as imposing a tax upon any

Intangibles of
nonresident.

transfer, as defined in this title, of intangibles, however used or held, whether in trust or otherwise, by any person, or by reason of the death of any person who at the time of his death was domiciled in a territory or state of the United States other than the state of Washington.

RCW 83.16.080 amended.

SEC. 11. Section 83.16.080, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.16.080 are each amended to read as follows:

Insurance exempt.

Insurance payable upon the death of any person shall be deemed a part of the estate for the purpose of computing the inheritance tax and shall be taxable to the person, partnership, or corporation entitled thereto. Such insurance shall be taxable irrespective of the fact that the premiums of the policy have been paid by some person, partnership, or corporation other than the insured, or paid out of the income accruing from principal provided by the assured for such payment, whether such principal was donated in trust or otherwise: *Provided, however,* That there is exempt from the total amount of insurance receivable by all beneficiaries other than the executor, administrator or representative of the estate, regardless of the number of policies, the sum of forty thousand dollars and no more.

Where more than one beneficiary is entitled to the benefit of the provisions of this section exempting forty thousand dollars of the proceeds of insurance policies payable upon death, the benefit of such exemption shall be apportioned among such beneficiaries ratably and proportionately: *Provided,* That where there is fraternal benefit society insurance payable upon the death of the decedent and other insurance payable upon the death of the decedent, the forty thousand dollars exemption shall first be taken from the fraternal benefit society insurance and if the same does not equal forty thousand

dollars, then the balance of the forty thousand shall be prorated among other policies.

The inheritance tax upon the proceeds of any insurance policy shall be a lien upon the proceeds of such policy in the hands or possession of the estate of the deceased insured or in the hands or possession or any other beneficiary under such policy to whom such proceeds may have been paid: *Provided*, That when proceeds of insurance payable upon death, or receivable by a beneficiary other than the executor or representative, the executor or representative shall recover from such beneficiary the tax due upon such proceeds of such policy or policies. The supervisor shall have power to release such lien with respect to all or any part of such proceeds if he be satisfied that the collection of the tax will not thereby be jeopardized.

Nothing in the inheritance tax provisions of this title shall prevent the payment by any insurance company, association or society of the proceeds of any policy upon the death of a decedent to the person entitled thereto, except where prior to such payment the supervisor has notified the company that the state is claiming a lien thereon payment shall be deferred until the tax has been paid.

SEC. 12. Section 83.24.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.24.010 are each amended to read as follows:

RCW 83.24.010
amended.

When any person dies leaving property within the jurisdiction of the state of Washington, which shall pass by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, and there has been no application for letters of administration of the estate of

Determination
of tax without
administration
—Procedure.

such deceased person, or when administration of any estate has been completed without an adjudication of the inheritance tax, the liability of such property for the payment of an inheritance tax may be determined without administration in the manner hereinafter provided.

Any person interested in such property may file an affidavit with the inheritance tax division of the tax commission and request a determination of the questions arising under the inheritance tax provisions of this title. Such affidavit shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary for a determination of such questions.

Upon the receipt of such affidavit, and after such investigation as is necessary to determine the fair market value of all of the property becoming subject to the inheritance tax laws, the tax commission through its inheritance tax division shall determine the amount of inheritance tax due, if any.

Where the tax commission, through its inheritance tax division, has determined that no tax is due, or that the amount of tax as determined has been fully paid, it may issue its release and receipt, but such release shall be only as to the assets of the estate shown and disclosed by such affidavit and supplementary exhibits filed in such proceedings.

In any such case, the supervisor of the inheritance tax division may compromise such tax and issue a satisfaction therefor, without probate proceedings, where the necessary facts are furnished and filed by affidavit, but such release shall be only as to the assets of the estate shown and disclosed by such proceedings.

SEC. 13. Any person who may feel aggrieved by the determination of the tax commission as provided

for in RCW 83.24.010 may file a petition with the superior court of the county wherein the decedent resided, which petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the supervisor of the inheritance tax division and on each person interested in said property at least twenty days before the date of hearing, if served personally, and if served by publication the service shall be the same as the service of summons by publication in civil action. The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact, but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court allowed by the laws of the state.

Appeal from determination made under RCW 83.24.010—Procedure.

SEC. 14. Section 83.32.020, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.32.020 are each divided and reenacted to read as set forth in sections 14 through 16 of this act.

RCW 83.32.020 divided, reenacted.

SEC. 15. (83.32.020) The said supervisor or agent at the time and place in said citation named, or at such time and place to which he may adjourn said hearing, shall proceed to examine said person or persons, and such witnesses as he may subpoena

RCW 83.32.020. Procedure to fix tax on estate. Examination by supervisor or agent—Subpoenas.

before him and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said supervisor or agent shall have the powers of a superior court to issue subpoenas compelling the attendance of witnesses before him and to administer oaths and take the evidence of such witnesses under oath concerning such property and the value thereof, and concerning such transfer.

RCW 83.32.030.
Findings filed
in court.

SEC. 16. (83.32.030) Said supervisor or agent shall enter his findings and conclusions in relation to said transfer and said tax, fix and determine the amount of inheritance tax, if any, due the state of Washington, and file his findings in which shall be set forth the amount of inheritance tax due the state of Washington, with the clerk of the superior court of such county.

RCW 83.32.040.
Subsequent
proceedings.

SEC. 17. (83.32.040) The procedure subsequent to such filing shall conform with the procedure outlined in RCW 83.28.040 and shall have the same effect as provided in RCW 83.28.050 and the same shall be a final determination of the tax, subject to such exception as is found in RCW 83.28.060 and 83.28.070, and subject to such procedure as therein outlined.

RCW 83.40.010
divided,
reenacted.

SEC. 18. Section 83.40.010, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.40.010 are each divided and reenacted to read as set forth in sections 19 through 21 of this act.

RCW 83.40.010.
Adjustments
with federal
tax.
Absorption of
eighty percent
federal estate
credit.

SEC. 19. (83.40.010) Where the tax imposed by the inheritance tax laws of the state of Washington is of a lesser amount than the maximum credit of eighty percent of the federal estate tax allowed by the federal estate tax act, then the tax provided for by the said inheritance tax laws of the state of Washington shall be increased so that the amount of tax due the state of Washington shall be the maximum amount of the credit allowed under said fed-

eral estate tax act: *Provided*, That the said additional tax shall be paid out of the same funds as any ordinary charge against the estate.

Where no tax is imposed by the inheritance tax laws of the state of Washington because of the exemptions thereunder and a tax is due the United States under the federal estate tax act, then a tax shall be due the state of Washington equal to maximum amount of the credit allowed under said federal estate act.

Should the amount of tax imposed by the inheritance tax laws of the state of Washington increased by this section, be afterwards found to be more than the maximum credit allowed under the federal estate tax act, then any excess over and above the said maximum credit shall be refunded as provided by law.

SEC. 20. (83.40.020) The executor or administrator of every decedent whose estate may be subject to the federal estate tax or to the inheritance tax laws of the state of Washington, shall file in the office of the supervisor of the inheritance tax division within twelve months after the death of such decedent, one copy of the federal estate tax return and inventory provided for in the federal estate tax act, and in like manner, one copy of all supplemental or amended returns and inventories filed with the federal government.

RCW 83.40.020.
Copy of federal return and inventory to be filed.

SEC. 21. (83.40.030) Said executor or administrator shall also file in the office of the supervisor of the inheritance tax division a copy of the corrected inventory and appraisal of the estate and the total amount of federal estate tax thereon, as finally determined by the federal government.

RCW 83.40.030.
Copy of corrected federal return and inventory to be filed.

SEC. 22. Section 83.44.110, chapter 15, Laws of 1961 (House Bill No. 6), and RCW 83.44.110 are each amended to read as follows:

RCW 83.44.110 amended.

No decree of distribution or discharge of fiduciary from liability until tax paid.

An executor, administrator or trustee shall not be discharged from liability for such inheritance tax, nor shall a decree of distribution be entered, nor said estate, nor any part of said estate, be distributed until a receipt showing that the inheritance tax is paid, or written waiver executed by the supervisor showing that the estate is not subject to inheritance tax, or written acknowledgement by the supervisor that provision for payment of the tax has been made to his satisfaction, is filed with the clerk of the court, or the court having jurisdiction over such estate shall have determined as herein provided that such estate is not liable to pay an inheritance tax.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 293.

[Sub. H. B. 576.]

EXCISE TAXES.

AN ACT relating to revenue and taxation; amending section 82.04.050, chapter 15, Laws of 1961 and RCW 82.04.050; amending section 82.04.296, chapter 15, Laws of 1961 and RCW 82.04.296; amending section 82.04.300, chapter 15, Laws of 1961 and RCW 82.04.300; amending section 82.04.370, chapter 15, Laws of 1961 and RCW 82.04.370; amending section 82.04.430, chapter 15, Laws of 1961 and RCW 82.04.430; amending section 82.08.020, chapter 15, Laws of 1961 and RCW 82.08.020; amending section 82.08.030, chapter 15, Laws of 1961 and RCW 82.08.030; amending section 82.08.070, chapter 15, Laws of 1961 and RCW 82.08.070; amending section 82.12.020, chapter 15, Laws of 1961 and RCW 82.12.020; amending section 82.12.030, chapter 15, Laws of 1961 and RCW 82.12.030; amending section 82.12.040, chapter 15, Laws of 1961 and RCW 82.12.040; amending section 82.16.010, chapter 15, Laws of 1961 and RCW 82.16.010; amending section 82.16.020, chapter 15, Laws of 1961 and RCW 82.16.020; and amending section 82.16.070, chapter 15, Laws of 1961 and RCW 82.16.070; amending section 82.12.010, chapter 15, Laws of 1961 and RCW 82.12.010; amending section 82.12.060, chapter 15, Laws of 1961, and RCW 82.12.060.

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

SECTION 1. Section 82.04.050, chapter 15, Laws of 1961 and RCW 82.04.050 are each amended to read as follows:

RCW 82.04.050 amended.

“Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) other than a sale to one who (a) purchases for the purpose of resale as tangible personal property in the regular course of business, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tan-

B&O tax.
“Sale at retail”, “retail sale”.

gible personal property or substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing, armored car service and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house,

tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects.

SEC. 2. Section 83.04.296, chapter 15, Laws of 1961 and RCW 82.04.296 are each amended to read as follows:

RCW 82.04.296
amended.

From and after the first day of May, 1955, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter, other than those activities taxed pursuant to RCW 82.04.260, an additional tax in the amount of sixty percent of the tax payable under this chapter: *Provided*, That from April 1, 1959 the additional tax imposed under this section shall be in the amount of seventy-six percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

Additional tax
imposed.

RCW 82.04.300 amended.

SEC. 3. Section 82.04.300, chapter 15, Laws of 1961 and RCW 82.04.300 are each amended to read as follows:

Exemptions—Based on monthly gross.

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275, 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than three hundred dollars per month: *Provided*, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed three hundred dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: *Provided, further*, That the tax commission may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

RCW 82.04.370 amended.

SEC. 4. Section 82.04.370, chapter 15, Laws of 1961 and RCW 82.04.370 are each amended to read as follows:

Exemptions—Certain fraternal and beneficiary organizations.

This chapter shall not apply to fraternal benefit societies or fraternal fire insurance associations, as described in Title 48; nor to beneficiary corporations or societies organized under and existing by virtue of Title 24, if such beneficiary corporations or societies provide in their bylaws for the payment of death benefits. Exemption is limited, however, to gross income from premiums, fees, assessments, dues or other charges directly attributable to the insurance or death benefits provided by such societies, associations, or corporations.

SEC. 5. Section 82.04.430, chapter 15, Laws of 1961 and RCW 82.04.430 are each amended to read as follows:

RCW 82.04.430 amended.

In computing tax there may be deducted from the measure of tax the following items: Deductions enumerated.

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital, as defined in chapter 70.41 RCW, devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital, as defined in chapter 70.41 RCW, which is operated as a non-profit corporation, nursing homes and homes for unwed mothers operated as religious or charitable organizations, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state.

RCW 82.08.020
amended.

SEC. 6. Section 82.08.020, chapter 15, Laws of 1961 and RCW 82.08.020 are each amended to read as follows:

Retail sales
tax. Imposed.

There is levied and there shall be collected a tax on each retail sale in this state equal to three and one-third percent of the selling price: *Provided*, That from April 1, 1959 the tax imposed by this section shall be equal to four percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

SEC. 7. Section 82.08.030, chapter 15, Laws of 1961 and RCW 82.08.030 are each amended to read as follows:

RCW 82.08.030
amended.

The tax hereby levied shall not apply to the following sales: Exemptions

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapter 82.04, 82.16, or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: *Provided*, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission

authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state.

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing,

cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the tax commission and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the tax commission with the regular report and a duplicate to be retained by the dealer.

(16) Sales of baby chicks and turkey poults for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the tax commission shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in noncontiguous states, territories and possessions of the United States, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the

usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such non-contiguous states, territories and possessions.

SEC. 8. Section 82.08.070, chapter 15, Laws of 1961 and RCW 82.08.070 are each amended to read as follows:

RCW 82.08.070 amended.

Each seller, on or before the fifteenth day of the month succeeding the end of each monthly period, shall make out a return for the preceding monthly period, upon forms to be provided by the commission, setting forth the amount of all sales, nontaxable sales, taxable sales, the amount of tax thereon, and such other information as the commission may require, sign, and transmit the same to the commission: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, at least ninety percent of the tax actually collected or owing during the month.

Seller's monthly, estimated, annual, etc., returns—Remittance—Reporting procedures and forms.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

The commission may also require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this chapter, whether or not collected from the buyer shall be paid by the seller to the commission in installments at the time of transmitting the return above provided for.

RCW 82.12.020
amended.

SEC. 9. Section 82.12.020, chapter 15, Laws of 1961 and RCW 82.12.020 are each amended to read as follows:

Use tax.
Imposed.

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, or bailment, or extracted or produced or manufactured by the person so using the same. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall

apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except at hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-third percent: *Provided*, That from April 1, 1959 the tax levied in this section shall be in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four percent.

SEC. 10. Section 82.12.030, chapter 15, Laws of 1961 and RCW 82.12.030 are each amended to read as follows:

RCW 82.12.030
amended.

The provisions of this chapter shall not apply:

Exemptions.

(1) In respect to the use of any article of tangible personal property brought into the state by a non-resident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a non-resident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resi-

dent thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and

in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of licenses shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the tax commission;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish

volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of baby chicks and turkey poults in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to school districts and used by such districts exclusively in connection with their high school driver training program;

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 RCW or chapter 82.12 RCW.

RCW 82.12.040
amended.

SEC. 11. Section 82.12.040, chapter 15, Laws of 1961 and RCW 82.12.040 are each amended to read as follows:

Retailers to
collect tax—
Penalty.

Every person who maintains in this state a place of business or a stock of goods shall obtain from the tax commission a certificate of registration, and shall, at the time of making sales, or making trans-

fers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives.

Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the tax commission and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the tax commission in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the purchaser or transferee by

an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

RCW 82.16.010
amended.

SEC. 12. Section 82.16.010, chapter 15, Laws of 1961 and RCW 82.16.010 are each amended to read as follows:

Public utility
tax.
Definitions.

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business;

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;

(6) "Telephone business" means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording tele-

phonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

(7) "Telegraph business" means the business of affording telegraphic communication for hire;

(8) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;

(9) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: *Provided*, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways;

(10) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person

performing a local or interstate line-haul of such property;

(11) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

(13) The meaning attributed, in chapter 82.04, to the terms "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

RCW 82.16.020
amended.

SEC. 13. Section 82.16.020, chapter 15, Laws of 1961 and RCW 82.16.020 are each amended to read as follows:

Public utility
tax imposed.

There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three percent: *Provided*, That a common carrier railroad operating as a plant facility to the extent of eighty percent or more of its business shall pay a tax of one-fourth of one percent on such eighty percent or more of its business and three percent on all other business;

(2) Gas distribution business: Two percent;

(3) Urban transportation business: One-half of one percent;

(4) Vessels under sixty-five feet in length operating upon the waters within the state: One-half of one percent;

(5) Motor transportation and all public service businesses other than ones mentioned above: One and one-half percent.

SEC. 14. Section 82.16.070, chapter 15, Laws of 1961 and RCW 82.16.070 are each amended to read as follows:

RCW 82.16.070 amended.

The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued. The taxpayer on or before the fifteenth day of such month shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign, and transmit the same to the commission, together with a remittance for such amount in the form required in chapter 82.32: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax

Monthly, estimated, annual, etc., returns—
Remittances—
Reporting procedures and forms.

accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, at least ninety percent of the tax actually collected or owing during the month.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

RCW 82.12.010
amended.

SEC. 15. Section 82.12.010, chapter 15, Laws of 1961 and RCW 82.12.010 are each amended to read as follows:

Use tax.
Definitions.

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or

given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe;

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08;

(4) "Retailer" means every person engaged in the business of selling tangible personal property

at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer", in addition to the meaning ascribed to it in chapters 82.04 and 82.08 insofar as applicable, shall also mean any person who distributes or displays or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.

RCW 82.12.060 amended.

SEC. 16. Section 82.12.060, chapter 15, Laws of 1961 and RCW 82.12.060 are each amended to read as follows:

Installment sales and leases—Bailments.

In the case of installment sales and leases of personal property, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

In the case of property acquired by bailment, the commission, by regulation, may provide for payment of the tax due in installments based on the reasonable rental for the property as determined under RCW 82.12.010 (1).

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 294.

[S. B. 330.]

ACCOUNTANCY.

AN ACT relating to accountancy; and amending section 6, chapter 226, Laws of 1949 and RCW 18.04.070, and section 29, chapter 226, Laws of 1949 and RCW 18.04.300.

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

SECTION 1. Section 6, chapter 226, Laws of 1949 and RCW 18.04.070 are each amended to read as follows:

RCW 18.04.070 amended.

The board shall elect annually a chairman, vice chairman and a secretary. The board may adopt, and amend from time to time, rules and regulations for the orderly conduct of its affairs and for the administration of this chapter. The board may promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy. A majority of the board shall constitute a quorum for the transaction of business. The board shall keep records of its proceedings which shall be open for public inspection. The board may hire such employees as are necessary to assist it in the performance of its duties and the keeping of its records.

Board of accountancy. Organizational powers—Rules and regulations—Quorum—Records—Personnel.

SEC. 2. Section 29, chapter 226, Laws of 1949 and RCW 18.04.300 are each amended to read as follows:

RCW 18.04.300 amended.

Upon complying with RCW 18.04.320 the board may revoke or suspend any certificate issued under RCW 18.04.120, or any license issued under RCW 18.04.210, or any registration under RCW 18.04.230 through 18.04.260, or may revoke, suspend or refuse to renew any annual permit issued under RCW 18.04.290 for any one or any combination of the following causes:

Revocation and suspension of certificates, licenses, registration, or permit.

(1) The practice of any fraud or deceit in obtaining a certificate as a certified public accountant,

or a license as a licensed public accountant, or in obtaining registration under this chapter, or in obtaining an annual permit under this chapter;

(2) Dishonesty, fraud or gross negligence in the practice of public accounting;

(3) Violation of any of the provisions of RCW 18.04.340;

(4) Violation of the rules of professional conduct promulgated by the board under the authority granted by RCW 18.04.070;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) Cancellation, revocation, suspension, or refusal of renewal of the authority to practice as a certified public accountant, as a licensed public accountant, or as a public accountant in any of the United States; or

(8) Failure by any person not a citizen of the United States to become a citizen within six years from the date he receives a certificate as a certified public accountant or a license as a licensed public accountant as provided in this chapter.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 295.

[S. B. 217.]

COLLECTION AND TRANSPORTATION OF GARBAGE
AND REFUSE.

AN ACT relating to the business of collecting and transporting garbage and refuse; adding a new chapter to Title 81 RCW; levying certain fees; providing penalties; and making an effective date.

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

SECTION 1. There is added to Title 81 RCW a new chapter to read as set forth in sections 2 through 13 of this act. New chapter.

SEC. 2. As used in this chapter:

(1) "Motor vehicle" means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting garbage and refuse, for the collection and/or disposal thereof; Definitions.
"Motor vehicle".

(2) "Public highway" means every street, road, or highway in this state; "Public highway".

(3) "Common carrier" means any person who undertakes to transport garbage and refuse, for the collection and/or disposal thereof, by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules; "Common carrier".

(4) "Contract carrier" means all garbage and refuse transporters not included under the terms "common carrier" and "private carrier," as herein defined, and further, shall include any person who under special and individual contracts or agreements transports garbage and refuse by motor vehicle for compensation; "Contract carrier".

(5) "Private carrier" means a person who, in his own vehicle, transports garbage or refuse purely as an incidental adjunct to some other established private business owned or operated by him in good faith; "Private carrier".

"Vehicle".

(6) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any garbage or refuse is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks;

"Garbage and refuse collection company".

(7) "Garbage and refuse collection company" means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting garbage and refuse for collection and/or disposal for compensation, except septic tank pumpers, over any public highway in this state whether as a "common carrier" thereof or as a "contract carrier" thereof.

Garbage and refuse collection companies to operate under act—
Exception.

SEC. 3. No person, his lessees, receivers, or trustees, shall engage in the business of operating as a garbage and refuse collection company in this state, except in accordance with the provisions of this chapter: *Provided*, That the provisions of this chapter shall not apply to the operations of any garbage and refuse collection company under a contract of garbage or refuse disposal with any city or town, nor to any city or town which itself undertakes the disposal of garbage or refuse.

Commission to regulate—
Scope.

SEC. 4. The commission shall supervise and regulate every garbage and refuse collection company in this state,

(1) By fixing and altering its rates, charges, classifications, rules and regulations;

(2) By regulating the accounts, service, and safety of operations;

(3) By requiring the filing of annual and other reports and data;

(4) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve.

The commission, at any time, after the holding of a hearing of which the holder of any certificate has had notice and an opportunity to be heard, and at which it shall be proven that the holder has wilfully violated or refused to observe any of the commission's orders, rules, or regulations, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

SEC. 5. No garbage and refuse collection company shall hereafter operate for the hauling of garbage and refuse for compensation without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation.

Certificates of necessity. Required for operating.

Issuance of the certificate of necessity shall be determined upon, but not limited to, the following factors: The present service and the cost thereof for the contemplated area to be served; an estimate of the cost of the facilities to be utilized in the plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of the assets on hand of the person, firm, association or corporation which will be expanded on the purported plant for garbage and refuse collection and disposal, sworn to before a notary public; a statement of prior experience, if any, in such field by the petitioner, sworn to before a notary public; and sentiment in the community contemplated to be served as to the necessity for such a service.

Factors influencing issuance.

When an applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, the commission may, after hearing, issue the certificate only if the existing garbage and refuse collection company or companies serving the territory will not provide service to the satisfaction of the commission.

In all other cases, the commission may, with or without hearing, issue certificates, or for good

cause shown refuse to issue them, or issue them for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as, in its judgment, the public convenience and necessity may require.

Transfers of certificates authorized.

Any right, privilege, certificate held, owned, or obtained by a garbage and refuse collection company may be sold, assigned, leased, transferred, or inherited as other property, but only upon authorization by the commission.

Companies operating under chapter 81.80 RCW, procedure to obtain certificate.

Any garbage and refuse collection company which upon the effective date of this act is operating under authority of a common carrier or contract carrier permit issued under the provisions of chapter 81.80 RCW shall be granted a certificate of necessity without hearing upon compliance with the provisions of this chapter. Such garbage and refuse collection company which has paid the plate fee and gross weight fees required by chapter 81.80 RCW for the year 1961 shall not be required to pay additional like fees under the provisions of this chapter for the remainder of such year.

Fees.

SEC. 6. The commission shall collect the following miscellaneous fees from garbage and refuse collection companies:

Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

Financial responsibility, minimum set.

SEC. 7. The commission, in granting certificates to operate a garbage and refuse collection company, shall require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state or a surety bond of a company licensed to write surety bonds in the state, on each motor propelled vehicle used or to be used in transporting garbage

or refuse for compensation in the amount of not less than twenty-five thousand dollars for any recovery for personal injury by one person, and not less than ten thousand dollars 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 less than ten thousand dollars for damage to property of any person other than the assured, and to 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 revocation of the delinquent's certificate.

SEC. 8. In all respects in which the commission has power and authority under this chapter, 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 this title for public service companies generally.

Procedure applicable to public service companies generally applies.

SEC. 9. In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plate, for which the plate fee shall be three dollars, for each motor truck, trailer or semitrailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Special fees.

Less than 4,000 pounds	\$7.00
4,000 pounds or more and less than 6,000 pounds	8.00
6,000 pounds or more and less than 8,000 pounds	9.00
8,000 pounds or more and less than 10,000 pounds	10.00
10,000 pounds or more and less than 12,000 pounds	11.00
12,000 pounds or more and less than 14,000 pounds	12.00
14,000 pounds or more and less than 16,000 pounds	13.00
16,000 pounds or more and less than 18,000 pounds	14.00
18,000 pounds or more and less than 20,000 pounds	15.00
20,000 pounds or more and less than 22,000 pounds	16.00
22,000 pounds or more and less than 24,000 pounds	17.00
24,000 pounds or more and less than 26,000 pounds	18.00
26,000 pounds or more and less than 28,000 pounds	19.00
28,000 pounds or more and less than 30,000 pounds	20.00
30,000 pounds or more and less than 32,000 pounds	21.00
32,000 pounds or more and less than 34,000 pounds	22.00
34,000 pounds or more and less than 36,000 pounds	23.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the

Disposition
of fees.

state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

SEC. 10. Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

Violations—
Gross misde-
meanors.

SEC. 11. Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

Exempted
commerce.

SEC. 12. The effective date of this act will be July 1, 1961.

Effective date.

Passed the Senate February 11, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 296.

[S. B. 453.]

JOINT COMMITTEE ON EDUCATION.

AN ACT relating to the legislature; creating a joint committee on education; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties and prescribing the functions of the committee; providing for citizen participation; and declaring an emergency.

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

SECTION 1. As used in this act "committee" means the joint committee on education of the legislature of the state of Washington.

"Committee"
defined.

Joint
committee on
education.
Created—
Temporary.

SEC. 2. There is hereby created the joint committee on education of the legislature of the state of Washington which shall meet, act, and conduct its business at any place within the state of Washington during regular or extraordinary sessions of the legislature, or during any recess thereof, or during the interim period prior to the 20th day of the 1963 session of the legislature.

Membership—
Selection
procedure.

SEC. 3. The committee shall consist of five senators and five representatives who shall be selected as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. In the event that the president does not nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members.

Political
affiliation
limitation.

SEC. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

SEC. 5. Members shall serve until their successors are installed as provided in section 3, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Terms.

SEC. 6. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in section 3 or until they are no longer members of the legislature, whichever is sooner.

Vacancies,
committee fills
—Terms.

SEC. 7. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act.

Committee
chairman,
subcommit-
tees, rules.

SEC. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

Committee
administrative
assistants—
Compensation.

SEC. 9. Members of the committee and any of its subcommittees shall receive twenty dollars per diem, and ten cents a mile for travel, while attending sessions of the committee or of its subcommittees.

Members per
diem, travel
expense.

All expenses incurred by the committee or its subcommittees or its members, including salaries of its executive secretary and assistants, shall be paid upon voucher forms as provided by the budget director and signed by the chairman or vice-chairman of the committee. Vouchers may be drawn upon any special appropriation which may be provided by the legislature for the expenses of the committee.

Committee
expenses paid
by voucher.

SEC. 10. Unless otherwise directed by a two-thirds vote of the whole committee, all witnesses shall be examined privately.

Examination
of witnesses.

Committee powers, scope.

SEC. 11. The committee is authorized and instructed to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

- (1) Structure, financing, and functions of
 - (a) two year community colleges
 - (b) technical and vocational education
 - (c) school districts
 - (d) county superintendents of schools
 - (e) state superintendent of public instruction
 - (f) boards of education;
- (2) Projections and time table for expansion of higher education;
- (3) Teacher training and certification;
- (4) Incidence and causes of attendance drop outs;
- (5) A review of the number and duties of non-teaching professional personnel to determine whether they are adequate or excessive in relation to the number of classroom teachers;
- (6) Extent, effects, and organization of extra-curricular activities;
- (7) Standards and criteria for student promotion and graduation; and
- (8) A comprehensive plan for a 215 day school year and a ten year course of instruction.

Participation of other agencies.

SEC. 12. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

Citizen sub-committees—Expenses.

SEC. 13. The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur.

SEC. 14. The council shall consult with, advise, and assist the committee, recommending areas of study, advising as to organizations and persons suitable for subcommittees, and assisting in research and study of educational problems.

Legislative council assistance.

SEC. 15. All expenditures of the council shall be paid upon vouchers approved by the chairman of the committee.

Council expenses paid on approved vouchers.

SEC. 16. The committee shall report the findings of its subcommittees to the governor by July, 1962, and shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations.

Report of findings and recommendations.

SEC. 17. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

Receipt of gifts, grants and endowments authorized.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 25, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 297.

[S. B. 314.]

STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the Washington state teachers' retirement system; providing for the investment of funds; amending section 20, chapter 80, Laws of 1947 as amended by section 6, chapter 274, Laws of 1955 and RCW 41.32.200; adding three new sections to chapter 80, Laws of 1947 and to chapter 41.32 RCW; and repealing section 1, chapter 91, Laws of 1959 and RCW 41.32.205.

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

RCW 41.32.200
amended.

SECTION 1. Section 20, chapter 80, Laws of 1947 as amended by section 6, chapter 274, Laws of 1955 and RCW 41.32.200 are each amended to read as follows:

Teachers'
retirement.
Authority
over
funds—
Investment.

The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof;

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

(3) Bonds, debentures, notes, or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder;

(4) Bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(5) Bonds, notes, or other obligations issued, guaranteed or assumed by any municipal or political subdivision of any other state of the United States: *Provided*, That any such municipal or political subdivision, or the total of its component parts, shall have a population as shown by the last preceding federal census of not less than ten thousand and shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: *Provided further*, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

(7) Bonds, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, or by the federal national mortgage association;

(8) Bonds, debentures, or other obligations issued by a federal land bank, or by a federal inter-

mediate credit bank, under the act of congress of July 17, 1916, known as the "federal farm loan act," as amended or supplemented from time to time;

(9) Obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority;

(10) Obligations of any other state, municipal authority or political subdivision within the state issued pursuant to the laws of such state with principal and interest payable from tolls or other special revenues: *Provided*, That the issuer has not, within ten years prior to the making of the investment, been in default for more than three months in the payment of any part of the principal or interest on any debt evidenced by its bonds, notes, or obligations;

(11) Corporate bonds and debentures issued by any corporation duly organized and operating in any state of the United States: *Provided*, That such securities are rated not less than "AA" by two nationally recognized rating agencies: *Provided further*, That investment in bonds and debentures in this subsection (11) shall be limited to twenty percent of any one issue;

(12) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in any one such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation.

Subject to the above limitations and subject to any limitations, conditions, and restrictions contained in policy-making resolutions adopted by the state teachers' retirement board, the state finance committee shall have the power to make purchases, sales, exchanges, investments and reinvestments, of

any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any moneys belonging to said funds: *Provided*, That no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged; and

(13) Savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: *Provided*, That the deposit of any one fund in any such banks shall not exceed the amount insured by the federal deposit insurance corporation.

SEC. 2. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows: New section.

Any investments under RCW 41.32.200 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. Standard of judgment for making investment.

SEC. 3. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows: New section.

All securities purchased or held on behalf of funds, pursuant to RCW 41.32.200, held or disbursed through the state treasury shall be in the physical custody of the state treasurer who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. Securities in physical custody of state treasurer.

New section.

SEC. 4. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Treasurer to administer security income.

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his custody pursuant to section 3 as the said sums become due and payable, and to pay the same, when so collected, into the fund to which the investments belong.

Repeal.

SEC. 5. Section 1, chapter 91, Laws of 1959 and RCW 41.32.205 are each repealed.

Severability.

SEC. 6. If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Passed the Senate March 7, 1961.

Passed the House March 5, 1961.

Approved by the Governor March 21, 1961.

***NOTICE OF REFERENDUM: CHAPTER 298, LAWS OF 1961**

The Washington State Milk Consumers' League sponsored a referendum (Referendum Measure No. 32) against Chapter 298, Laws of 1961. The signature campaign was successful. As a consequence, this act will be submitted to the voters for acceptance or rejection at the November 6, 1962 state general election.

For this reason, whether or not said Chapter 298 will ever become effective law will not be known until after such state election has been held.

VICTOR A. MEYERS,
Secretary of State.

***CHAPTER 298.**

[S. B. 336.]

WASHINGTON STATE MILK MARKETING ACT.

AN ACT relating to milk; enacting a state milk marketing act; levying assessments; and providing penalties.

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

Short title.

SECTION 1. This act may be known and cited as the Washington state milk marketing act.

SEC. 2. The production and distribution of milk and the dissemination of accurate, scientific information as to the importance of milk and other dairy products in the maintenance of a high level of public health, is hereby declared to be a business affected with the public interest. The provisions of this act are enacted in the exercise of the police powers of the state for the purpose of protecting the health and welfare of the people of this state.

Legislative
declaration.

SEC. 3. It is hereby declared that milk is a necessary article of food for human consumption; that the production and maintenance of an adequate supply of healthful milk of proper chemical and physical content, free from contamination, is vital to the public health and welfare, and that the production, transportation, processing, storage, distribution, or sale of milk in the state is an industry affecting the public health and welfare; that unfair, unjust, destructive and demoralizing trade practices have been carried on and are now being carried on in the production, marketing, sale, processing, or distribution of milk which constitutes a constant menace to the health and welfare of the inhabitants of this state and tend to undermine sanitary regulations and standards of content and purity however effectually such sanitary regulations may be enforced; that health regulations alone are insufficient to prevent disturbances in the milk industry which threaten to destroy and seriously impair the future supply of milk; that it is the policy of this state to promote, foster and encourage the intelligent production and orderly marketing of commodities necessary to its citizens, including milk, and to eliminate speculation, waste, improper marketing, unfair and destructive trade practices, and improper accounting for milk purchased from producers, and to safeguard the consuming public from future inadequacy of a supply of this necessary commodity.

Legislative
declaration.

Marketing areas—Establishing of authorized.

SEC. 4. It is recognized by the legislature that conditions within the milk industry of this state are such that it is necessary to establish marketing areas wherein different prices and regulations are necessary, and for that purpose the director shall have the administrative authority, with such additional duties as are herein prescribed, after investigations and public hearings, to prescribe such marketing areas and modify the same when advisable or necessary.

Legislative recognition.

SEC. 5. It is recognized that, due to seasonal fluctuations in milk production, and other causes, there occurs in certain markets in the state a surplus of milk suitable for human consumption, under the laws and ordinances in force in such markets, in excess of the quantities sold as milk for human consumption, and that such surplus varies from day to day and from season to season; that such surplus must be sold for factory or other purposes at prices usually lower than would be received if sold in the milk trade; and that to stabilize and promote the milk industry it is necessary that minimum uniform prices be paid to all producers who either directly or through any corporation or cooperative association furnish milk to any specified market.

Legislative determination declared.

SEC. 6. The foregoing statement in this article of facts, policy, and application of this act is hereby declared a matter of legislative determination.

Purpose.

SEC. 7. The purposes of this act are to:

(1) Enable the dairy industry with the aid of the state to correct existing evils, develop and maintain satisfactory marketing conditions, and bring about and maintain a reasonable amount of stability and prosperity in the production and marketing of milk and provide means for carrying on essential educational activities;

(2) Authorize and enable the director to prescribe marketing areas and to determine prices

to producers for milk, which are necessary due to varying factors of costs of production, health regulations, transportation, and other factors in said marketing areas of this state;

(3) Authorize and enable the director to establish emergency retail prices in any market area whenever the director determines that unfair trade practices in such market area are demoralizing and disrupting the orderly marketing of milk;

(4) Authorize and enable the director to formulate stabilization and marketing plans subject to the provisions of this act with respect to the contents of such stabilization and marketing plans and declare such plans in effect for any marketing area;

(5) Provide funds for administration and enforcement of this act by assessments to be paid by producers and/or milk dealers and from licenses issued to milk dealers in the manner prescribed herein.

SEC. 8. It is the intent of the legislature that the powers conferred in this act shall be liberally construed. Nothing in this act shall be construed as permitting or authorizing the development of conditions of monopoly in the production or distribution of milk. Construction.

SEC. 9. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington; Definitions.
"Department".

(2) "Director" means the director of the department or his duly appointed representative; "Director".

(3) "Board" means the grade A milk advisory board; "Board".

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural as the case may be; "Person".

(5) "Market" or "marketing area," means any geographical area within the state comprising one or

"Market",
"marketing
area".

more counties or parts thereof, or one or more cities or towns or parts thereof where marketing conditions are substantially similar and which may be designated by the director as one marketing area wherein producer and/or emergency retail prices may be established;

"Milk".

(6) "Milk" means all fluid milk produced under a grade A permit as defined in chapter 15.36 RCW as enacted or hereafter amended and rules adopted thereunder;

"Milk
products".

(7) "Milk products" includes any product manufactured from milk or any derivative or product of milk;

"Milk dealer".

(8) "Milk dealer" means any person engaged in the handling of milk in his capacity as the operator of a milk plant, a country plant or any other plant from which milk or milk products are disposed of to any place or establishment within a marketing area other than to a plant in such marketing area;

"Producer".

(9) "Producer" means a person producing milk within this state for sale within this state under a grade A milk permit issued by the department under the provisions of chapter 15.36 RCW as enacted or hereafter amended;

"Producer-
dealer".

(10) "Producer-dealer" means any producer who maintains his own herd, prepares and puts in containers for human consumption the milk produced from such herd, and distributes and sells either partially or exclusively his own product direct to stores or consumers. The term "milk dealer" and "producer" wherever used in this act, include the term "producer-dealer": *Provided*, That any producer selling less than three thousand four hundred pounds per month of such milk direct to stores or consumers shall not be considered to be either a producer-dealer or milk dealer for the purposes of this act.

SEC. 10. Whenever the provisions of this act relating to formulation of a stabilization and marketing plan have been invoked, either upon the motion of the director or upon the application of producers or milk dealers, a board shall be created. Such board shall be created upon the directors determination that it is necessary to carry out the provisions of section 29 of this act. The board shall consist of:

Board—
Created, when
—Members,
appointment,
removal,
terms.

(1) Three producers to be selected from representative milk production areas of the state with one such producer member being a member of an agricultural cooperative association formed under chapter 24.32 RCW and one producer member not a member of any cooperative marketing association;

(2) Three milk dealers to be selected from existing representative marketing areas of the state, one such milk dealer member shall represent an agricultural cooperative association which markets milk produced by its members and others as provided under chapter 24.32 RCW, one shall be a producer dealer and one an independent milk dealer; and

(3) Four members of the general public who have no financial interest in the production or distribution of milk except as consumers.

The members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause: *Provided*, That when the board is activated the governor shall appoint one member of each representative group for a term of two years, one member of each representative group for a term of three years, and one member of each representative group for a term of four years, and the fourth consumer member for a term of one year.

SEC. 11. Upon the death, resignation, or removal for cause of any member of the board, the governor shall fill such vacancy, within thirty days, for the

Board—
Vacancies
filled.

remainder of his term in the manner herein prescribed for appointment to the board.

Board—
Function of.

SEC. 12. The board shall advise the director on any or all problems relating to the production and distribution of milk in the state or elsewhere.

Board—
Chairman,
meetings,
where and
when.

SEC. 13. The board shall elect one of its members chairman. The members of the board shall meet at such time and at such place as shall be specified by the call of the director, chairman, or a majority of the board: *Provided*, That if a stabilization and marketing plan is not in effect or such a plan is not being processed by the director, such board shall not meet except at the request of the director.

Board—
Members
per diem,
travel
expense.

SEC. 14. No person appointed to the board shall receive a salary or other compensation as a member of the board: *Provided*, That each member of the board shall receive twenty-five dollars for each day spent in actual attendance at or traveling to and from meetings of the board or special assignments for the board together with traveling expense at the rate prescribed by law.

Director's
authority
under act.

SEC. 15. Subject to the provisions of this act and the specific provisions of any stabilization and marketing plan established thereunder, the director is hereby vested with the authority:

(1) To confer with the legally constituted authorities of other states of the United States, for the purpose of securing uniformity of milk control, with respect to milk coming into the state and going out of the state in interstate commerce with a view of accomplishing the purposes of this act, and to enter into a compact or compacts for such uniform system of milk control;

(2) To investigate all matters pertaining to the production, processing, storage, transportation, distribution, and sale of milk and milk products in the state;

(3) To supervise and regulate the production, transportation, manufacture, storage, distribution, delivery, and sale of milk and milk products and including but not limited to the authority to:

(a) Prescribe the minimum prices to be paid producers by milk dealers in accordance with a stabilization and marketing plan for milk and classify such milk by classes as to usages made by milk dealers;

(b) Prescribe the method and time of payment to be made to producers by dealers in accordance with a stabilization and marketing plan for milk;

(c) Prescribe the emergency minimum prices to be paid to retailers by purchasers in accordance with an emergency stabilization and marketing plan for milk;

(d) Determine what constitutes a natural milk market area;

(e) Determine by using a historical basis, under uniform rules, what portion of the milk produced by each producer subject to the provisions of a stabilization and marketing plan shall be marketable in fluid form and what proportion so produced shall be considered as surplus; such determination on a historical basis shall also apply to milk dealers who purchase or receive milk, for sale or distribution in such marketing area, from plants whose producers are not subject to such stabilization and marketing plan;

(f) Provide for the pooling and averaging of all returns from the sales of milk in a designated market area, and the payment to all producers of a uniform pool price for all milk so sold, except when an alternate plan of pooling agreed upon between producers, producer groups, and handlers consistent with and in compliance with this act and regulations adopted hereunder, has been filed with and approved by the director, subject to such equitable adjustments as are made by the director and subject to such rules as are imposed for the con-

trol of marketing of surplus production by the establishment of basic averages or other methods: *Provided*, That if the director includes provisions for the establishment of quotas by basic averages or other methods such quotas assigned to a producer may be transferred by such producer to any other producer, subject to rules established by the director;

(g) Appoint, select, and employ established agencies for the handling and disposal of the surplus milk; keep, or supervise the keeping, of all accounts and records necessary in connection with such transactions; receive and disburse the funds received in connection therewith; and make reasonable deductions from the funds so received to pay all necessary expenses incidental to the performance of the duties and the execution as the director may deem necessary for the purpose of obtaining a uniform payout to producers in said distributor pools and/or market pools;

(i) Employ and fix the salary of an executive officer, who shall be known as the milk marketing administrator, to serve at the discretion of the director;

(j) Employ such persons as may be necessary and fix their compensation; and incur all expenses necessary to carry out the purposes of this act;

(k) Determine by rule, what portion of any increase in the demand for fluid milk subject to a stabilization and marketing plan providing for quotas shall be assigned new producers or existing producers who because of their established quotas are not able to maintain efficient economic units.

(4) To have access to and enter at all reasonable hours and places where milk is being stored, bottled, or manufactured, or where milk and milk products are being bought, sold, or handled, or where the books, records, papers, or documents relating to such transactions are kept, and examine and/or copy the same;

(5) To issue subpoenas to compel the attendance of witnesses and/or the production of books, documents, and records anywhere in the state in any hearing affecting the authority or privileges granted by a license issued under the provisions of this act. Witnesses shall be entitled to fees for attendance and travel as provided for in chapter 2.40 RCW as enacted or hereafter amended;

(6) To act as mediator or arbitrator in any controversial issue that may arise among or between milk producers and milk dealers as between themselves, or that may arise between them as groups;

(7) To make, adopt, and enforce all rules necessary to carry out the purpose of this act subject to the provisions of chapter 34.04 RCW concerning the adoption of rules, as enacted or hereafter amended: *Provided*, That nothing contained in this act shall be construed to abrogate or affect the status, force, or operation of any provision of the public health laws enacted by the state or any municipal corporation or the public service laws of this state.

SEC. 16. The director shall not exercise his authority and formulate a stabilization and marketing plan or amend such an existing plan in any marketing area until a public hearing has been held for such marketing area and the director determines that it will be in the public interest that he so exercise his authority and formulate a stabilization and marketing plan or amend such an existing plan in such marketing area. The director may on his own motion call such a hearing, and shall call such a hearing upon the written application of at least forty percent of the milk producers supplying at least forty percent of the milk sold in such marketing area, or upon the written application of distributors, distributing at least sixty-five percent of the milk consumed in such marketing area.

Procedure
to formulate
marketing
plan or
amend same.

The director shall issue a recommended decision within ninety days after such hearing and if the director finds that a stabilization and marketing plan is necessary to accomplish the purposes of this act he shall formulate a stabilization and marketing plan for milk for such marketing area.

Producers and/or milk dealers shall have thirty days from the issuance of such recommended decision to file written protests or suggested amendments to all matters included in the recommended decision of the director. The director shall review such protests or suggested amendments to his recommended decision and shall issue a final decision within ninety days from the final day upon which protests and amendments could be filed with him on his recommended decision.

If the final decision includes a stabilization and marketing plan, such plan shall not become effective until it has been approved in writing by sixty-five percent of the producers of milk supplying at least sixty-five percent of the milk sold in such marketing area, and sixty-five percent of the milk dealers, distributing sixty-five percent of the milk distributed in such marketing area.

The director shall consider the assent or dissent of any cooperative marketing association authorized by its producer members, either by a majority vote of those voting thereon or by its articles of incorporation or by its bylaws or by any marketing or other agreement, to market the affected commodity for such members or to act for them in any such referendum as being the assent or dissent of the producers who are members of or stockholders in or under contract with such cooperative association: *Provided*, That the cooperative marketing association shall first determine that a majority of the membership of the cooperative marketing association authorizes its action concerning the specific stabilization and marketing plan: *Provided, further*, That

any such stabilization and marketing plan or amendment thereto may become effective even if the above specified number of milk dealers fail to or refuse to favor or approve such stabilization and marketing plan or amendment, if upon the basis of findings on a duly noticed hearing as provided for in sections 25 and 26 of this act, the director determines:

- (1) That such refusal tends to prevent the effectuation of the declared policy of this act; and
- (2) That the issuance of such order is the only practical means of advancing the interest of the producers pursuant to the declared policy of this act.

SEC. 17. The director may withdraw the exercise of his authority from any marketing area after a public hearing, as provided for in section 16 of this act, has been held for such marketing area and the director determines that it will be in the public interest to withdraw his power from such marketing area.

Withdrawal from marketing area by director, procedure.

SEC. 18. The director shall withdraw the exercise of his authority from any marketing area within sixty days of the application for such withdrawal by at least fifty-one percent of the producers producing fifty-one percent of the milk of such market area: *Provided*, That the director may, for a reasonable time, continue to carry on necessary administrative functions for the termination of such stabilization and marketing plan and the payment of necessary costs and obligations incurred by the director in such marketing area.

Withdrawal from marketing area upon producer request, procedure.

All funds which remain in the account of the stabilization and marketing plan fund for such marketing area and which cannot be apportioned without undue cost to the producers and/or milk dealers to whom they are due shall be paid to the state treasurer for deposit in the permanent common school fund of the state of Washington.

Report from
milk dealers
—Contents.

SEC. 19. In order to provide the director with accurate and reliable information, in the event such information is not then on file with the director, with respect to the persons who may be directly affected by the provisions of any proposed stabilization and marketing plan, the director is hereby authorized and directed, whenever he has reason to believe that the issuance of a stabilization and marketing plan will tend to effectuate the declared policy of the act or upon receipt of a written application for a hearing pursuant to section 16 of the act, to notify milk dealers, by publication of a notice, to file with the director within ten days from the last date of such publication a report, properly certified, showing:

(1) The correct name and address of such milk dealer;

(2) The quantity of the milk affected by such proposed stabilization and marketing plan handled by such milk dealer in the year preceding the filing of such report;

(3) The correct names and addresses of all producers who may be directly affected by the provisions of such proposed stabilization and marketing plan from whom such milk dealer received milk in the year preceding the filing of such report; and

(4) The quantities of milk received by such milk dealer from each such producer in the year preceding the filing of such report.

—Publication
of notice of
request for.

SEC. 20. The notice to milk dealers requiring them to file the report, provided for in section 19 of this act, shall be published by the director for a period of not less than five days in a newspaper or newspapers of general circulation published within the marketing area defined in the stabilization and marketing plan, and in such other newspaper or newspapers and other media as the director may prescribe.

SEC. 21. The director shall also mail a copy of the notice to file the report, provided for in section 19 of this act, to all milk dealers whose names and addresses appear upon the list on file with the director who may be directly affected by the provisions of such stabilization and marketing plan.

—Mailing copy of notice of request for.

SEC. 22. Each milk dealer directly affected by the provisions of any proposed stabilization and marketing plan shall file a verified report, provided for in section 19 of this act, with the director within the time specified. Failure or refusal of any milk dealer to file the report provided for in section 19 of this act shall not invalidate any proceedings taken or stabilization and marketing plan issued as provided for in this act. The director is authorized and directed to proceed upon the basis of such reports and information as may otherwise be available.

—Effect of filed reports.

SEC. 23. From the reports, provided for in section 19 of this act, filed with the director and the information received or available to him, including any proper corrections, the director shall prepare a list of the names and addresses of such producers and the volume of milk produced or marketed by all such producers and a list of the names and addresses of such milk dealers and the volume of milk handled by all such milk dealers, directly affected by the provisions of such proposed stabilization and marketing plan or amendments thereto in the preceding year. Such lists shall constitute complete and conclusive lists for use in any finding made by the director and such findings shall be conclusive.

—Lists compiled from producer reports—Effect.

SEC. 24. The information contained in the individual reports of milk dealers filed with the director pursuant to the provisions of section 19 of this act shall not be made public by the director in such form but the information contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formu-

—Report not to be made public.

lation, administration, and enforcement of a stabilization and marketing plan, or may be made available pursuant to court order, but shall not be made available to anyone for private purposes.

Publication of notice of hearing on proposed plan.

SEC. 25. The notice for a hearing or hearings to determine if a stabilization and marketing plan or amendment to such a plan is in the public interest shall be published by the director for a period of not less than five days in a newspaper or newspapers of general circulation published within the marketing area affected by the proposed exercise of the director's authority and the establishment of a stabilization and marketing plan or the amendment of such an existing plan and in such other newspaper or newspapers and other media as the director may prescribe.

Mailed notice of hearing on proposed plan.

SEC. 26. The director shall mail a notice of such hearing to all producers and milk dealers on file with the director who may be affected by the proposed exercise of power by the director and establishment of a stabilization and marketing plan or the amendment of such an existing plan. Nonreceipt of notice by mail by any producer or handler shall not be a cause to invalidate such hearing and the director's recommended or final decision resulting from such hearing.

Marketing area may be defined.

SEC. 27. The director, subject to notice and a hearing as provided for in sections 25 and 26 of this act, may define or amend what constitutes a marketing area.

Minimum prices may be set—Factors in determination.

SEC. 28. The director, subject to notice and a hearing as provided for in sections 25 and 26 of this act, shall establish minimum prices or may amend established minimum prices, by class usage, to be paid producers for milk sold in any marketing area which will best protect the milk industry and insure a sufficient quantity of pure and wholesome milk in

the public interest. The director shall take into consideration all conditions affecting the milk industry, including the price necessary to produce a reasonable return to the producer and milk dealer. In determining the minimum prices for each class in any market area, the director shall take into consideration the reasonable unit cost of each class of handling milk incurred by each such class provided for in section 15 (3) (a) of this act, including all costs of hauling, processing, selling, and delivering by the several methods used in such marketing area in accomplishing such hauling, processing, selling, and delivery, as such costs are determined by impartial audits or examination of the books, records, reports, or surveys of all, or such portions of each class, respectively, in such market area, as are reasonably determined by the director to be sufficiently representative to indicate the costs of each class in such marketing area.

SEC. 29. The director, either upon his own motion or upon the application of producers or milk dealers, shall provide for a public hearing, subject to the notice requirements of section 25 of this act, for the purpose of determining whether unfair trade practices exist in any marketing area, and whether such unfair trade practices will, or will tend to, demoralize and disrupt the orderly marketing of milk in such marketing area. If he finds, following such hearing, that such practices do exist in such marketing area, the director, with the advise and consent of two-thirds of the members of the board, may immediately establish such minimum retail prices to be paid in such area as will best protect the milk industry and insure a sufficient quantity of pure and wholesome milk in the public interest. The director, with the advice and consent of two-thirds of the members of the board, may establish such minimum retail prices for a period of not more than ninety days at any one

Unfair trade practices may necessitate setting minimum retail prices—
Procedure.

time. The director, with the advice and consent of two-thirds of the members of the board, may re-establish minimum retail prices in any such area; however, such minimum retail prices shall not be reestablished within thirty days after the termination date of any prior retail price order in such area. The director shall take into consideration all conditions affecting the milk industry, including the prices necessary to produce a reasonable return to the producer and milk dealer. The director, with the advice and consent of two-thirds of the members of the board, may invoke the authority of this section regardless of whether a stabilization and marketing plan is in effect under state law in such area or whether a milk marketing order is in effect in such area under federal law: *Provided*, That in establishing such minimum retail prices, the director, with the advice and consent of two-thirds of the members of the board, shall establish prices providing for reasonable differentials for different methods of distribution, including, but not limited to, drive-ins, supermarkets and home delivery.

Violation of
prices set,
unlawful.

SEC. 30. After the director has established the minimum prices to be paid for milk, no person shall buy, or offer to buy, sell or offer to sell any milk at prices less than the minimum established by the director. Any method, device, or transaction whereby any person buys or offers to buy, sells or offers to sell at a price less than that established by the director applicable to the grade or class of milk involved in the transaction, whether by discount, rebate, free service, advertising allowance, gift, or otherwise, is unlawful.

Rights of
cooperatives
unimpaired.

SEC. 31. No provision of this act shall be deemed or construed to prevent or abridge the right of a cooperative corporation or association, organized under the laws of this state and engaged in marketing or making collective sales of milk produced by its members, to:

(1) Blend the net proceeds of all its sales in various use classes and pay its producers such blended price, with such deductions therefrom and differentials as may be authorized under contracts between such corporation and its members;

(2) Make collective sales of the milk of its members and other producers represented by or marketing through it.

SEC. 32. No provision of this act shall be deemed Construction. or construed to:

(1) Prevent or abridge the right of any milk dealer from contracting for his milk with a cooperative corporation or association, organized under the laws of this state and engaged in marketing or making collective sales of milk produced by its members, upon the basis provided in section 31 of this act;

(2) Affect or impair the contracts of any such cooperative association with its members or other producers marketing their milk through such corporation;

(3) Impair or affect any contract which any such cooperative association has with milk dealers or others which are not in violation of this act;

(4) Affect or abridge the rights and powers of any such cooperative association conferred by the laws of this state under which it is incorporated.

The minimum prices to be paid for milk marketed by or through any such corporation in a marketing area shall be those fixed by the order of the director.

SEC. 33. The director shall examine and audit not less than four times each year or at any other such time he considers necessary, the books, records, and accounts relating to milk usages, and may photostat such books, records, and accounts of milk dealers and cooperatives licensed or believed subject to license under this act for the purpose of determining:

(1) How payments to producers for the milk handled are computed and whether the amount of

Right to
examine
records—
Interference
in unlawful.

such payments are in accordance with the applicable stabilization and marketing plan;

(2) If any provisions of this act affecting such payments directly or indirectly have been or are being violated;

(3) The costs of handling, distribution, and marketing of milk and milk products;

(4) The manner of disposition of the total income of each and every milk dealer and cooperative.

No person shall in any way hinder or delay the director in conducting such examination or audit.

Right to take samples—
Interference in unlawful.

SEC. 34. The director may, during reasonable hours, enter any place where milk is produced, stored, handled, or sold, or enter any conveyance used to transport milk for the purpose of taking samples of such milk for analysis. No person shall in any way hinder or delay the director in obtaining such milk samples for analysis.

Records re-
quired of
milk dealers.

SEC. 35. All milk dealers subject to the provisions of this act shall keep the following records:

(1) A record of all milk received or produced, detailed as to location and as to name and address of suppliers, with butterfat tests, prices paid, deductions or charges made;

(2) A record of the quantity of all milk sold, detailed as to grade, use, location, market outlet, and size and style of containers, with prices and amounts received therefor, and the butterfat test of such milk;

(3) A record of the quantities of all milk transported, shipped or hauled, including the distances and the amounts paid for the movement of such milk, in all cases where the milk dealer pays on his own account or on the account of producers for the movement of such milk;

(4) A record of the quantity of each milk product manufactured, the quantity of milk used in the manufacture of each product, and the quantity and value of the milk products sold;

(5) A record of wastage or loss of milk or butter-fat;

(6) A record of the spread or handling expense and profit or loss, represented by the difference between the price paid and the price received for all milk and milk products;

(7) A record of all other transactions affecting the assets, liabilities or net worth of the milk dealer;

(8) Such other records and information as the director may deem necessary for the proper enforcement of this act.

The records herein provided shall be kept in the possession of the milk dealer for a period of not less than two years, unless the director otherwise provides.

SEC. 36. Each milk dealer subject to the provisions of this act shall from time to time, as required by rule of the director, make and file a verified report, on forms prescribed by the director, of all matters on account for which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purpose of this act. Such reports shall cover a period specified in the order, and shall be filed within a time fixed by the director.

Milk dealers
to file
verified
reports.

SEC. 37. It shall be unlawful for any milk dealer subject to the provisions of a stabilization and marketing plan to handle milk subject to the provisions of such stabilization and marketing plan without first obtaining an annual license from the director for each separate place of business where such milk is received or sold. Such license shall be in addition to any other license required by the laws of this state: *Provided*, That the provisions of this section shall not become effective for a period of sixty days subsequent to the inception of a stabilization and marketing plan in any marketing area prescribed by the director.

Milk dealer
license—
Unlawful to
handle milk
without.

Milk dealer license—Application, contents.

SEC. 38. Application for a license to act as a milk dealer shall be on a form prescribed by the director and shall contain, but not be limited to the following:

- (1) The nature of the business to be conducted;
- (2) The full name and address of the person applying for the license if an individual; and if a co-partnership, the full name and address of each member thereof; and if a corporation, the full name and address of each officer and director;
- (3) The complete address at which the business is to be conducted;
- (4) Facts showing that the applicant has adequate personnel and facilities to properly conduct the business of a milk dealer;
- (5) Facts showing that the applicant has complied with all the rules prescribed by the director under the provisions of this act;
- (6) Any other reasonable information the director may require.

Milk dealer license—Fee —Penalty for late renewal.

SEC. 39. (1) Application for each milk dealer's license shall be accompanied by an annual license fee of five dollars.

(2) If an application for the renewal of a milk dealer's license is not filed on or before the first day of an annual licensing period a penalty of three dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: *Provided*, That such penalty shall not apply if the applicant furnishes an affidavit that he has not acted as a milk dealer subsequent to the expiration of his prior license.

Milk dealer license—Denial, suspension or revocation, grounds.

SEC. 40. The director may deny, suspend, or revoke a license upon due notice and an opportunity for a hearing as provided in chapter 34.04 RCW, concerning contested cases, as enacted or hereafter amended, or rules adopted thereunder by the director, when he is satisfied by a preponderance of the evidence of the existence of any of the following facts:

(1) A milk dealer has failed to account and make payment, without reasonable cause, for milk purchased from a producer subject to the provisions of this act or rules adopted hereunder;

(2) A milk dealer has committed any act injurious to the public health or welfare or to trade and commerce in milk;

(3) A milk dealer has continued in a course of dealing of such nature as to satisfy the director of his inability or unwillingness to properly conduct the business of handling or selling milk, or to satisfy the director of his intent to deceive or defraud producers subject to the provisions of this act or rules adopted hereunder;

(4) A milk dealer has rejected without reasonable cause any milk purchased or has rejected without reasonable cause or reasonable advance notice milk delivered in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(5) Where the milk dealer is insolvent or has made a general assignment for the benefit of creditors or has been adjudged bankrupt or where a money judgment has been secured against him upon which an execution has been returned wholly or partially satisfied;

(6) Where the milk dealer has been a party to a combination to fix prices, contrary to law; a cooperative association organized under chapter 24.32 RCW and making collective sales and marketing milk pursuant to the provisions of such chapter shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly;

(7) Where there has been a failure either to keep records or to furnish the statements or information required by the director;

(8) Where it is shown that any material statement upon which the license was issued is or was false or misleading or deceitful in any particular;

(9) Where the applicant is a partnership or a corporation and any individual holding any position or interest or power of control therein has previously been responsible in whole or in part for any act for which a license may be denied, suspended, or revoked, pursuant to the provisions of this act or rules adopted hereunder;

(10) Where the milk dealer has violated any provisions of this act or rules adopted hereunder;

(11) Where the milk dealer has ceased to operate the milk business for which the license was issued.

Assessment
on milk sold
in marketing
area.

SEC. 41. There is hereby levied upon all milk sold or received in any marketing area subject to a stabilization and marketing plan established under the provisions of this act an assessment, not to exceed four cents per one hundred pounds of all such milk, to be paid to the director by the first milk dealer who receives or handles such milk from any producer or his agent subject to such stabilization and marketing plan.

The amount to be assessed and paid to the director under any stabilization and marketing plan shall be determined by the director within the limits prescribed by this section and shall be determined according to the necessities required to carry out the purpose and provisions of this act under any such stabilization and marketing plan.

Assessment on
milk sold
under min-
imum retail
price in
marketing
area.

SEC. 42. There is hereby levied upon all milk sold in a marketing area subject to an order of the director prescribing emergency minimum retail prices under the authority of section 29 of this act an assessment, not to exceed two cents per one hundred pounds of all such milk, to be paid to the director by the first milk dealer who receives or handles such milk from any producer or his agent

subject to section 29 of this act: *Provided*, That such assessment shall not be deducted from payments made to a producer by such milk dealer.

The amount to be assessed and paid to the director under any stabilization and marketing plan subject to section 29 of this act shall be determined by the director within the limits prescribed by this section and shall be determined according to the necessities required to carry out the purpose and provisions of this act.

SEC. 43. Each licensee, in addition to other records required under the provisions of this act, shall keep such records and make such reports as the director may require for the purpose of computing payments of assessments by the such licensee.

Licensee's
to keep
records.

SEC. 44. All assessments on milk subject to the provisions of this act and a stabilization and marketing order shall be paid to the director on or before the twentieth day of the succeeding month for the milk which was received or handled in the previous month.

Due date
for assess-
ments.

SEC. 45. The director shall establish a separate account for each stabilization and marketing plan established under the provisions of this act, and all license fees and assessments collected under any such stabilization and marketing plan shall be deposited in its separate account to be used only for the purpose of carrying out the provisions of such marketing and stabilization plan: *Provided*, That the director may deduct from each such account the necessary costs incurred by the board. Such costs shall be prorated among the several stabilization and marketing plans if more than one is in existence under the provisions of this act.

Separate
accounts for
each plan—
Administrative
costs pro-
rated.

SEC. 46. All assessments provided under section 42 of this act shall be deposited with the director and he shall use them only to carry out the provisions and purpose of section 29 of this act.

Disposition
of certain
assessments.

Producer,
dealer
initiation of
plan—Fees—
Reimburse-
ment.

SEC. 47. The written application by producers or dealers for a proposed stabilization and marketing plan provided for in section 16 of this act shall be accompanied by a filing fee of one hundred dollars payable to the director, and shall designate some person as attorney in fact for the purpose of this section. Upon receipt of such application and filing fee the director shall prepare a budget estimate for all the costs necessary to establish the proposed stabilization and marketing plan. Within thirty days after receipt of the budget cost by the attorney in fact, the persons applying to the director for the establishment of the proposed stabilization and marketing plan shall pay the difference between the filing fee and the budget estimate for the costs of its establishment. Such application shall not be acted upon by the director until the full amount of the budget estimate has been deposited with him. Such fee shall not be refunded to the applicants by the director: *Provided*, That if such stabilization and marketing plan is established, the applicants who furnished the necessary funds, as determined by the budget estimate, shall be reimbursed within a reasonable time as prescribed by the director from the assessments collected under the provisions of this act and the stabilization and marketing plan for which such budget estimate was prepared by the director.

Enforcement
remedies
available.

SEC. 48. In addition to any other remedy provided by law, the director in the name of the state shall have the right to sue in any court of competent jurisdiction for the recovery of any moneys due it from any person subject to the provisions of this act and shall also have the right to institute suits in equity for injunctive relief and for purpose of enforcement of the provisions of this act.

General
penalty.

SEC. 49. Any violation of this act and/or rules and regulations adopted thereunder shall constitute a misdemeanor: *Provided*, That this section shall not

apply to retail purchasers who purchase milk for domestic consumption.

SEC. 50. If any provision of this act, or its applica- **Severability.**
tion to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 28, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 299.

[Sub. S. B. 111.]

JUSTICES OF THE PEACE AND OTHER INFERIOR COURTS.

AN ACT relating to the judiciary; and to justices of the peace and other inferior courts.

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

Chapter 1

JUSTICE COURTS

SECTION 1. *Definitions.* As used herein:

“City” means an incorporated city or town.

“Department” means the designation of an administrative unit of a justice court established for the orderly and efficient administration of justice court business and may include, without being limited in scope thereby, a unit or units for determining one or more of the following: Traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases.

“Population” means the latest population of the judicial district of each county as estimated by the Washington state census board and certified to the

board of county commissioners on or before May 1, 1962 and on or before May 1st each four years thereafter. The Washington state census board, on or before May 1, 1962 and on or before May 1st each four years thereafter, shall estimate and certify to the board of county commissioners the population of each judicial district of each county.

SEC. 2. *Application of Act.* The provisions of this act shall apply to class AA and class A counties: *Provided*, That any city having a population of more than five hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if this act had never been enacted: *Provided further*, That if a city elects to continue its municipal court pursuant to this section, the number of justices of the peace allocated to the county in section 10 of this act shall be reduced by two and the number of full time justices of the peace allocated by section 11 to the district in which the city is situated shall also be reduced by two. The provisions of this act may be made applicable to any county of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class upon a majority vote of its board of county commissioners.

SEC. 3. *Justice Court Judges.* The judges of the justice court of each justice court district shall be the justices of the peace of the district elected or appointed as provided in this act.

SEC. 4. *Sessions.* The justice courts shall be open except on nonjudicial days. Sessions of the court shall be held at such places as shall be provided by the justice court districting plan. The court shall sit as often as business requires in each city of the justice court district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.

SEC. 5. *Departments.* Each justice is authorized to organize his court not inconsistent with departments created by the districting plan.

SEC. 6. *Adjournments.* Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time.

SEC. 7. *Records.* Each justice court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the office of the state auditor, division of municipal corporations. The form of other records may be prescribed by the supreme court.

SEC. 8. *Rules.* The supreme court may adopt rules of procedure for justice courts: *Provided,* That the justice courts may adopt rules of procedure not inconsistent with state law or with the rules adopted by the supreme court. If the rules of the supreme court herein authorized shall be adopted, all procedural laws in conflict therewith shall thenceforth be of no effect.

SEC. 9. *Violations Bureau.* A violations bureau may be established by any city or justice of the peace having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the justice having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the pre-

scribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

Chapter 2

JUSTICES OF THE PEACE

SEC. 10. *Justices of the Peace—Number for Each County.* The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, four; Chelan, four; Clallam, one; Clark, four; Columbia, one; Cowlitz, five; Douglas, three; Ferry, two; Franklin, one; Garfield, one; Grant, five; Grays Harbor, four; Island, three; Jefferson, one; King, twenty; Kitsap, four; Kittitas, three; Klickitat, two; Lewis, four; Lincoln, four; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, two; Snohomish, six; Spokane, seven; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, three; Yakima, seven.

SEC. 11. *Justices of the Peace—Number of Full Time.* In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice

of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: *Provided*, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to section 10 as now or hereafter amended and shall become effective on the second Monday of January of the year following: *Provided further*, That upon any redistricting of the county thereafter section 10, as now or hereafter amended, shall again designate the number of justices in the county.

SEC. 12. *Reallocation of Number of Justices.* Notwithstanding the limitations of sections 10 and 11 of this act in any district having more than one justice of the peace, if any city or town elects to select under the provisions of chapter 6 a person other than a justice of the peace to serve as municipal judge, the board of county commissioners shall reduce the number of justices of the peace required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a justice of the peace: *Provided*, That in no case shall the number of justices of the peace in any county be less than one for each one hundred thousand persons or major fraction thereof

in such county, nor shall the number of justices of the peace in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

SEC. 13. *Justices of the Peace—Full Time and Part Time.* Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary equal to or greater than eight thousand dollars for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business.

SEC. 14. *Justices of the Peace—Election.* At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each justice court district the number of justices of the peace authorized for such district by the justice court districting plan. Justices of the peace shall be elected for each district by the qualified electors of the justice court district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of justices of the peace for justice court districts entitled to more than one justice of the peace, the county auditor shall designate each such office of justice of the peace to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. Each candidate at the time of the filing of his declaration of candidacy shall designate by number

which one, and only one, of the numbered offices for which he is a candidate and the name of such candidate shall appear on the ballot for only the numbered office for which the candidate filed his declaration of candidacy.

In all elections for justices of the peace, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.

SEC. 15. *Justices of the Peace—Eligibility and Qualifications.* To be eligible to file a declaration of candidacy for and to serve as a justice of the peace, a person must:

(1) Be a registered voter of the justice court district; and

(2) Be either:

(a) A lawyer admitted to practice law in the state of Washington; or

(b) A person who has been elected and has served as a justice of the peace, municipal judge or police judge in Washington; or

(c) In those districts having a population of less than ten thousand persons, a person who has taken and passed such qualifying examination for the office of justice of the peace as shall be provided by rule of the supreme court.

SEC. 16. *Justices of the Peace—Term of Office.* Every justice of the peace shall hold office for a term of four years from and after the second Monday in January next succeeding his selection and continuing until his successor is elected and qualified.

SEC. 17. *Oath.* Each justice of the peace, justice of the peace pro tempore and justice court commissioner shall, before entering upon the duties of such office, take an oath to support the Constitution

of the United States and the Constitution and laws of the state of Washington, and to perform the duties of the office faithfully and impartially and to the best of his ability.

SEC. 18. *Bond.* The county commissioners shall provide for the bonding of each justice of the peace, justice of the peace pro tempore, justice court commissioner, and court employee, at the expense of the county, in such amount as the county commissioners shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into his hands in causes filed in his court. Such bond shall not be less than the maximum amount of money liable to be under the control, at any one time, of each such person in the performance of his duties. Such bond may be a blanket bond.

SEC. 19. *Vacancies.* If any justice dies, resigns, is convicted of a felony, or ceases to reside in the district or fails to serve for any reason except temporary disability, or if his term of office is terminated in any other manner, the office shall be deemed vacant. The board of county commissioners shall fill all vacancies by appointment and the justice thus appointed shall hold office until the next general election and until his successor is elected and qualified. Justice of peace shall be granted sick leave in the same manner as other county employees.

SEC. 20. *Justices of the Peace—Disqualification.* A justice of the peace shall not act as judge in any of the following cases:

(1) In an action to which he is a party, or in which he is directly interested, or in which he has been an attorney for a party.

(2) When he or one of the parties believes that the parties cannot have an impartial trial before him: *Provided*, That only one change of judges shall be allowed each party under this subsection.

When a justice is disqualified under this section, the case shall be heard before another justice or justice pro tempore of the same county.

SEC. 21. *Justices of the Peace—Disqualification of Partners.* If a justice of the peace be a lawyer, his partner and associates shall not practice law before him.

SEC. 22. *Justices of the Peace Pro Tempore.* Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district: *Provided,* That if no qualified person is available, then the court shall appoint a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary.

SEC. 23. *Exchange of Justices.* Any justice of the peace may hold a session in any justice court district in the state, at the request of the justice or majority of justices in such district if the visiting justice of the peace determines that the state of justice court business in his district will permit him to be absent: *Provided,* That the board of county commissioners of the county in which such justice court is located shall first approve such temporary absence and no justice of the peace pro tempore shall be required to

serve during his absence. A visiting justice shall be entitled to his actual traveling and living expenses while so acting, to be paid by the visited district: *Provided*, That no such traveling or living expenses shall be paid to the visiting justice unless the county commissioners of the county in which the visited district is located shall have consented and approved thereto prior to such visit.

SEC. 24. *Presiding Judge*. Where a justice court district has more than one justice, the supreme court may by rule provide for the manner of selection of one of the justices to serve as presiding judge and prescribe his duties.

Chapter 3

JUSTICE COURT DISTRICT

SEC. 25. *Justice Court Districting Committee—Membership*. There is established in each county a justice court districting committee composed of the following:

(1) The judge of the superior court, or, if there be more than one such judge, then one of the judges selected by that court;

(2) The prosecuting attorney, or a deputy selected by him;

(3) A practicing lawyer of the county selected by the president of the largest local bar association, if there be one, and if not, then by the county commissioners;

(4) A judge of an inferior court of the county selected by the president of the Washington State Magistrates' Association; and

(5) The mayor, or his representative, of each first, second, and third class city of the county;

(6) One person to represent the fourth class cities of the county, if any, to be designated by the president of the Association of Washington Cities: *Provided*, That if there should be neither a first class

nor a second class city within the county, the mayor, or his representative, of each fourth class city shall be a member;

(7) The chairman of the board of county commissioners; and

(8) The county auditor.

SEC. 26. *Justice Court Districting Committee—Duties.* On or before December 1, 1961, each justice court districting committee shall meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one or more justice court districts in accordance with the provisions of this act, which plan shall include the following:

(1) The boundaries of each justice court district proposed to be established;

(2) The number of justices to be elected in each justice court district;

(3) The location of the central office, courtrooms and records of each court;

(4) The other places in the justice court district, if any, where the court shall sit;

(5) The number and location of justice court commissioners to be authorized, if any;

(6) The departments, if any, into which each justice court shall be initially organized, including municipal departments provided for in chapter 5 of this act;

(7) The name of each justice court district; and

(8) The allocation of the time and allocation of salary of each justice who will serve part time in a municipal department.

Not later than March 15, 1962, the plan shall be transmitted to the county commissioners.

SEC. 27. *Justice Court Districting Plan—Adoption.* Upon receipt of the justice court districting plan, the county commissioners shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the

hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. Upon the conclusion of the hearing, and not later than May 1, 1962, the county commissioners shall adopt a justice court districting plan for the county. If the commissioners find that the plan proposed by the districting committee conforms to the standards set forth in this act and is conducive to the best interests and welfare of the county, as a whole it may adopt such plan. If the commissioners find that such plan does not conform to the standards as provided in this act, they may modify, revise or amend the plan and adopt such amended or revised plan as the county's justice court districting plan.

SEC. 28. *Amendment.* The districting committee may meet for the purpose of amending the districting plan at any time on call of the county commissioners, the chairman of the committee or a majority of its members. Amendments to the plan shall be submitted to the county commissioners not later than March 15th of each year for adoption by the commissioners following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any such amendment shall not be effective until the next regular general election for justice of the peace.

SEC. 29. *Justice Court Districts—Standards.* Justice court districts shall be established in accordance with the following standards:

(1) Every part of the county shall be in some justice court district.

(2) The whole county may constitute one justice court district.

(3) There shall not be more justice court districts than there are justices of the peace authorized for the county.

(4) No justice court district boundary shall intersect the boundary of an election precinct.

(5) No city shall lie in more than one justice court district.

(6) Whenever a county is divided into more than one justice court district, each district shall be so established as best to serve the convenience of the people of such district, considering the distances which must be traveled by parties and witnesses in going to and from the court and any natural barriers which may obstruct such travel.

SEC. 30. *Joint Justice Court Districts.* Joint justice court districts may be established containing all or part of two or more counties. The county containing the largest portion of the population of such joint district shall be known as the "principal county" and each joint justice court district shall be deemed to lie within the principal county for the purpose of this act. A joint justice court district may be established by resolution of one county concurred in by a resolution of each other county: *Provided*, That the county commissioners of a county containing the largest portion of the population of a city may include the portions of such city lying outside the county in a joint justice court district without concurrence of the other counties.

Elections of justices in joint justice court districts shall be conducted and canvassed in the same manner as elections of superior court judges in joint judicial districts.

Chapter 4

JUSTICE COURT COMMISSIONERS

SEC. 31. *Justice Court Commissioners—Appointment—Qualifications—Term of Office.* When so authorized by the justice court districting plan, one or more justice court commissioners may be appointed in any justice court district by the justices

of the peace of such district. Each commissioner shall be a registered voter of the county in which the justice court district or a portion thereof is located, and shall hold office during the pleasure of the justices of the peace appointing him.

SEC. 32. *Powers of Commissioners.* Each justice court commissioner shall have such power, authority and jurisdiction in criminal matters as the justices of the peace who appointed him possess and shall prescribe. Justice court commissioners shall not have power to hear and determine civil matters.

SEC. 33. *Transfer of Cases to Justice of the Peace.* Any party may have a case transferred from a justice court commissioner to a justice of the peace of the same district for hearing, by filing a motion for transfer. The commissioner shall forthwith transfer the case to such justice.

SEC. 34. *Compensation.* Justice court commissioners shall receive such compensation as the county commissioners shall provide.

Chapter 5

MUNICIPAL DEPARTMENTS

SEC. 35. *Municipal Department Authorized.* Any city may secure the establishment of a municipal department of the justice court, to be designated "The Municipal Department of (city)." Such department may also be designated "The Municipal Court of (city)."

SEC. 36. *Judges.* Each judge of a municipal department shall be a justice of the peace of the district in which the municipal department is situated. Such judge may be alternately designated as a municipal judge or police judge.

SEC. 37. *Jurisdiction.* A municipal department shall have exclusive jurisdiction of matters arising

from ordinances of the city, and no jurisdiction of other matters.

SEC. 38. *Petition.* Establishment of a municipal department shall be initiated by a petition from the legislative body of the city to the board of county commissioners. Such petition shall be filed with the commissioners not less than thirty days prior to February 1, 1962, or any subsequent year, and shall set forth: (1) The number of full time and part time judges required for the municipal department; (2) The amount of time for which a part time judge will be required for the municipal department; and (3) Whether the full time judge or judges will be elected or appointed. In a petition filed subsequent to 1962 provision shall be made for temporary appointment of a municipal judge to fill each elective position until the next election for justices of the peace. The petition shall be forthwith transmitted to the districting committee. The organization of the municipal department shall be incorporated into the districting plan. The districting committee in its plan shall designate the proportion of the salary of each justice serving as a part time municipal judge to be paid by the city, which shall be proportionate to the time of such judge allotted to the municipal department by the districting plan. A city may withdraw its petition any time prior to adoption of the districting plan by the board of county commissioners, and thereupon the municipal department pursuant to this chapter shall not be established.

SEC. 39. *Selection of Full Time Judges.* Each city may select its full time municipal judge or judges by election, or by appointment in such manner as the city legislative body determines: *Provided*, That in cities having a population in excess of five hundred thousand, the municipal judges shall be elected.

SEC. 40. *Selection of Part Time Judge.* In justice court districts having more than one justice of the

peace, appointment of part time municipal judges shall be made from the justices of the peace of the district by the mayor in such manner as the city legislative body shall determine.

SEC. 41. *Election.* In each justice court district where an election is held for the position of municipal judge, the county auditor, prior to the date for filing declarations for the office of justice of the peace, shall designate the proper number of municipal judge positions, commencing with number one, and if there is more than one municipal judge in any municipal department, one or more positions may, at the request of the legislative body of the city, be further designated as municipal traffic judge positions. Only voters of the city shall vote for municipal judges.

SEC. 42. *Term and Removal.* A municipal judge shall serve in such capacity for his term as justice of the peace, and may be removed from so serving in the same manner and for the same reasons as he may be removed from the office of justice of the peace.

SEC. 43. *Salary—City Cost.* The salary of a full time municipal judge shall be paid wholly by the city. The salary of a justice of the peace serving a municipal department part time shall be paid jointly by the county and the city in the same proportion as the time of the justice has been allocated to each.

SEC. 44. *Vacancy.* A vacancy in a position of full time municipal judge shall be filled for the unexpired term by appointment in such manner as the city may determine. In districts having more than one justice of the peace a vacancy in a position of part time municipal judge shall be filled for the unexpired term by appointment in such manner as the city shall determine from the justices of the district, including any justice appointed by the county commissioners to fill an unexpired term.

SEC. 45. *Night Sessions.* A city may authorize its municipal department to hold night sessions.

SEC. 46. *Revenue.* All revenue received by a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid to the city treasurer for the use of the city.

SEC. 47. *Facilities.* All courtrooms, offices, facilities and supplies for the operation of a municipal department shall be furnished by the city.

SEC. 48. *Personnel.* *[All personnel of a municipal department shall be appointed by the city.] All such personnel shall be deemed employees of the city, shall be compensated wholly by the city, and shall be appointed under and subject to any applicable civil service laws and regulations. *Vetoed.

SEC. 49. *Abolition of Municipal Department.* Any city, having established a municipal department as provided in this chapter may, by written notice to the board of county commissioners not less than thirty days prior to February 1st of any year require the abolition of the municipal department created pursuant to this chapter.

Chapter 6

MUNICIPAL DEPARTMENTS— ALTERNATE PROVISION

SEC. 50. Any city or town with a population of 20,000 or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled "The Municipal Court of (insert name of city or town)", hereinafter designated and referred to as "municipal court", which court shall have jurisdiction and shall exercise all powers by this chapter declared to be vested in the municipal court, together with such other powers and jurisdiction as generally con-

**Municipal
courts.
Authorized.**

ferred in this state by either common law or by express statute upon said court.

Jurisdiction—
Powers.

SEC. 51. The municipal court shall have exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, arising under such ordinances and to pronounce judgment in accordance therewith.

Violations
bureau—
Functions.

SEC. 52. Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses under the city or town ordinance which may be processed by the violations bureau. A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the

city or town or laws of the state of Washington. Any employees of an existing violations bureau of any city shall continue as a city employee.

SEC. 53. Within thirty days after the effective date of the ordinance, the mayor of each city or town shall, with the approval of the legislative body thereof, appoint a municipal judge or judges of the municipal court for a term of four years, commencing January 15, 1962. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of every four year term.

Judges—
Appointment
of—Qualifica-
tions—Terms.

The person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney duly admitted to practice law before the courts of record of the state of Washington and practicing law in the municipality or residing in the municipality where the department is located: *Provided*, That in a municipality having a population less than five thousand persons, a person other than an attorney may be the judge. Any city or town shall have authority to appoint a duly elected justice of the peace as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a justice of the peace, the city or town shall pay a pro rata share of his salary.

SEC. 54. The legislative authority of each city or town may, by ordinance, provide that the position of municipal judge within the city or town shall be an elective position. The ordinance shall provide for the qualifications of the municipal judge which shall be the same as the qualifications necessary for the appointment thereof; and further, shall provide that the municipal judge shall be elected in the same manner as other elective city officials are elected to office, and that the term of the municipal judge shall be concurrent with other city officials of the city or town.

Judges—
Election of
—Qualifica-
tions—Terms.

Termination of court.

SEC. 55. A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter.

Establishment of court after Jan. 2, 1966.

On and after January 2, 1966, a city or town electing to establish a municipal court pursuant to this chapter shall do so by resolution adopted not more than ten days before January 2, 1966 or any fourth year thereafter.

Additional full or part time judges, appointment.

SEC. 56. Additional full or part time judges may be appointed by the mayor, subject to the approval of the legislative body of the city or town in the same manner as set forth in section 53, when public interest and the administration of justice makes necessary the appointment of an additional judge or judges.

Salaries of judges, court costs, source.

SEC. 57. The salary of the municipal court judge or judges, together with all costs of operating the municipal court, shall be paid wholly out of the funds of the city or town and the compensation of the municipal court judge and all employees of the municipal court shall, for all purposes, be deemed employees of the city or town.

Judge pro tem—Appointment, qualifications, compensation.

SEC. 58. The mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of a municipal court. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided herein. The municipal court judges pro tem shall receive such compensation as shall be fixed by the ordinances of the legislative body of the city or town wherein the municipal court is located.

Disposition of fees, etc., collected by court.

SEC. 59. All fees, costs, fines, forfeitures and other moneys imposed or collected by any municipal court for the violation of any municipal or town ordinances, together with any other revenues received by the court, shall be deposited with the city or town treas-

urer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

SEC. 60. The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: *Provided*, That such municipal court shall not be open on nonjudicial days.

Court open,
when.

SEC. 61. Each criminal prosecution in a municipal court shall be instituted by a complaint. The complaint shall contain and shall be sufficient if it contains a plain, concise and definite statement of the essential facts constituting the specific offense or offenses with which the defendant is charged.

Criminal
prosecution
initiated by
complaint.

SEC. 62. The complaint shall be sworn to before the municipal court judge and shall be filed by him when, from his examination of the complainant and other witnesses, if any, he has reasonable grounds to believe that an offense of which he has jurisdiction has been committed and that the defendant committed it. No objection to a complaint on grounds that it was not signed or sworn to as herein required may be made after a plea to the merits has been entered.

Complaint
sworn to,
filed.

SEC. 63. No oath shall be required when the complaint is made by a county or municipal prosecutor or city attorney and if it contains or be verified by a written declaration that it is made under the penalties of perjury.

Complaint—
When no oath
required.

Any other person who wilfully certifies falsely to any matter set forth in any such complaint shall be guilty of a gross misdemeanor.

Swearing
falsely as
gross
misdemeanor.

SEC. 64. The court may permit a complaint to be amended at any time before judgment if no additional or different offense is charged, and if substantial rights of the defendant are not thereby prejudiced.

Complaint—
Amendment,
when.

Warrant—
Issuance,
when.

SEC. 65. If, from the examination of the complainant and other witnesses, if any, the court has reasonable ground to believe that an offense has been committed and that the defendant has committed it, a warrant shall issue for the arrest of the defendant.

Warrant—
Contents.

SEC. 66. The warrant shall be in writing and in the name of the state, shall be signed by the municipal court judge with the title of his office, and shall state the date when issued and the municipality where issued. It shall specify the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged against the defendant. It shall command that the defendant be arrested and brought before the court at a stated place, without unnecessary delay, unless he deposits bail as stated in the warrant and is released for appearance in court on a date certain stated therein.

Warrant—
Execution of.

SEC. 67. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer. It shall be executed by the arrest of the defendant and may be executed in any county or municipality of the state by any peace officer in the state. The officer need not have the warrant in his possession at the time of arrest, but in that case he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued; and, upon request, shall show the warrant to the defendant as soon as possible.

Warrant—
Return of
execution of.

SEC. 68. The officer executing a warrant shall forthwith make return thereof to the court issuing it. Any unexecuted warrants shall be returned to the municipal court by whom issued and may be cancelled by him. While a complaint is pending, a warrant returned unexecuted and not canceled, or a

duplicate thereof, may be delivered by the municipal court to a peace officer for execution or service.

SEC. 69. An officer making an arrest under a warrant shall take the arrested person without unnecessary delay and, in any event, within twenty-four hours, exclusive of nonjudicial days, before the municipal court or admit him to bail as commanded in the warrant. Any person making an arrest without a warrant shall take the arrested person without unnecessary delay and, in any event within forty-eight hours, exclusive of nonjudicial days, before the municipal court in the municipality in which the arrest is made. When a person is arrested without a warrant and brought before the municipal court, a complaint shall be filed forthwith.

Taking
arrested
persons before
court.

SEC. 70. Judges of the municipal court may accept money as bail for the appearance of persons charged with bailable offenses. The amount of bail or recognizance in each case shall be determined by the court in its discretion and may, from time to time, be increased or decreased as circumstances may justify.

Bail.

SEC. 71. A person required or permitted to give bail may execute a bond conditioned upon his appearance at all stages of the proceedings until final determination of the cause, unless otherwise ordered by the court. One or more sureties may be required; cash may be accepted; and, in proper cases, no security need be required. Bail given on appeal shall be deposited with the clerk of the court from which the appeal is taken.

Bail bonds—
Deposit of
bail.

SEC. 72. Every surety, except an approved corporate surety, shall justify by affidavit and shall describe in the affidavit the property which he proposes to justify and the encumbrances thereon; the numbered amount of bonds and undertakings for bail entered into by him and remaining undischarged and

Bail bonds—
Surety affi-
davits—
Approval of
bonds.

all of his other liabilities: *Provided*, That persons engaged in the bail bond business shall justify annually. No bond shall be approved unless the surety thereon shall be financially responsible. The municipal court judge shall approve all bonds.

Arraignment. SEC. 73. When a person arrested either under a warrant or without a warrant is brought before the court, he shall then be informed of the charge against him, advised of his constitutional rights and he shall be arraigned then or within a reasonable time set by the court. The arraignment shall be conducted in open court and shall consist of stating to him the substance of the charge and calling on him to plead thereto. The defendant shall be given a copy of the complaint if he requests the same. Defendants who are jointly charged may be arraigned separately or together in the discretion of the court.

Pleas. SEC. 74. The defendant may plead guilty; not guilty, and a former conviction or acquittal of the offense charged, which may be pleaded with or without a plea of not guilty. The court may refuse to accept a plea of guilty, and shall not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge. If a defendant refuses to plead, or if the court refuses to accept a plea of guilty, the court shall enter a plea of not guilty. The court may strike out a plea of guilty and enter a plea of not guilty, if it deems such action necessary in the interest of justice.

Continuances. SEC. 75. The municipal court may, in its discretion grant continuances for good cause shown. If a continuance is granted, the cost thereof shall abide the event of the prosecution in all cases. If a continuance is granted, the court may recognize the defendant and the witnesses to appear from time to time, in the same manner as is provided in other criminal examinations.

SEC. 76. If the complaint is for a crime within the jurisdiction of the court, and the defendant pleads guilty, the court shall sentence him upon a proper showing of a prima facie case against him.

Pleas to crimes—
Court
procedure.

If the defendant pleads not guilty or pleads a former conviction or acquittal of the offense charged, the court shall hear and determine the cause, and either acquit or convict and punish.

SEC. 77. In all trials for offenses in municipal court, a jury trial shall be allowed only in offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. No change of venue shall be taken from the municipal court, and the defendant shall not be entitled to file an affidavit of prejudice against any judge of the municipal court.

Criminal
cases. Right to
jury, when—
No change of
venue—No
affidavit of
prejudice.

SEC. 78. Sentence shall be imposed by the court without unreasonable delay. Pending sentence, the court may commit the defendant or may allow the defendant to post bail anew.

Sentence—
Bail pending.

SEC. 79. In all cases of conviction, unless otherwise provided in this act, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, he may be committed to jail to be placed at hard labor until the judgment is paid in full, but the defendant shall not be imprisoned for a longer aggregate time than one day for each six dollars of fine and costs.

Sentence
to pay fine
and costs.

A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and six dollars for every day he has been imprisoned upon commitment.

SEC. 80. If a corporation is convicted of any offense, the court may give judgment thereon and may cause the judgment to be enforced in the same manner as a judgment in a civil action.

Enforcing
judgment
against
corporation.

Probation.

SEC. 81. After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than one year from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

Continued jurisdiction after sentencing.

SEC. 82. For a period not to exceed one year after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

Revocation of deferral or suspension of execution of sentence.

SEC. 83. Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Clerical mistakes may be corrected.

SEC. 84. Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court may order.

If an appeal has been taken, such mistakes may be so corrected until the record has been filed in the appellate court and thereafter, while the appeal is pending, may be so corrected with leave of the appellate court.

Presence in court of defendant.

SEC. 85. The defendant shall be present in person or by counsel at the arraignment and shall be present at every later stage of the trial. A corporation may appear by counsel for all purposes.

SEC. 86. All criminal proceedings before the municipal court, and judgments rendered therein, shall be subject to review in superior court of the county wherein the municipal court is located by appeal as provided in section 87, or by a writ of review.

Appeal—
Writ of
review.

The writ of review shall be sought by the city only in those instances wherein the municipal court dismisses an action solely for reasons of law, and shall not be available after a trial on the merits. The procedure thereby used in seeking a writ of review shall be subsequently the same as that provided for in appeal.

SEC. 87. The appeal shall be to the superior court of the county in which the municipal court is located. The appeal shall be taken by serving a copy of a written notice of appeal upon the attorney for the plaintiff and filing the original thereof with an acknowledgment of service or affidavit of service with the municipal court within ten days after entry of judgment.

Appeal—
Procedure.

After notice of appeal is given, as herein required, the appellant shall diligently prosecute his appeal and, within thirty days from the date of entry of judgment, the municipal judge or his clerk shall file with the clerk of the superior court a transcript duly certified by the municipal court judge and furnished by the municipal court free of charge containing a copy of all written pleadings and docket entries of the police court. The municipal court judge shall notify the defendant or his attorney of such filing.

Within ten days after notice is given that the transcript is filed, the appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the superior court shall, in writing, notify the respondent's counsel of the date thereof.

Appeal—
Dismissal—
Voluntary
dismissal
or verdict
of not guilty
—Procedure.

SEC. 88. If the appellant fails to proceed with the appeal within the time and manner provided in section 87, then the superior court shall, upon motion of the respondent, dismiss the appeal if the transcript has been there filed. Upon dismissal of the appeal for failure of the appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the lower court shall be enforced by the municipal judge. If, at the time of the dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in the custody of the superior court, the same shall be returned to the lower court after any deduction therefrom for costs allowed by law. Upon voluntary dismissal by the city or verdict of not guilty cash bail shall be returned to the party posting the same. The municipal court shall have power to forfeit the cash bail or appeal bond and issue execution thereon for breach of any condition under which it is furnished.

Appeal—
Bond—
Transfer
of evidence.

SEC. 89. The appellant shall be committed to the city jail until he shall recognize or give bond to the city in such reasonable sum with such sureties as said municipal court may require that he will diligently prosecute the appeal and that he will within ten days after he has received notice from said municipal court judge or his clerk that the judgment in the lower or municipal court has been filed with the clerk of the superior court, together with the transcript duly certified by the lower court judge containing a copy of all records and proceedings in the lower court; that he will cause the case to be set for trial at the earliest open date; that he will appear at the court appealed to and comply with any sentence of the superior court and will, if the appeal is dismissed for any reason, comply with the sentence of the lower court.

Whenever the transcript is filed in the superior court and any cash bail or bail bond has been filed

with the lower court, the judge thereof shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to the court any exhibits introduced into evidence in the trial before the lower court, which exhibits, subject to the proper rulings of the appellant court, may be offered in evidence if the trial is had in the superior court; otherwise, to be returned to the custody of the lower court judge.

SEC. 90. In the superior court the trial shall be de novo, subject to the right of the respondent to file an amended complaint therein. The defendant in the superior court may have a trial by jury. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge with a fine of not to exceed five hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Appeals shall lie to the supreme court of the state of Washington as in other criminal cases in the superior court.

Trial de novo upon appeal—
Maximum sentence—
Further appeal.

SEC. 91. Upon conclusion of the case in the superior court, the clerk thereof shall forthwith mail a true and correct copy of the judgment to the municipal court appealed from.

Appeal—Judgment mailed to municipal court.

SEC. 92. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city and may be upon the complaint of any person.

Prosecutions for violation of city ordinances.

SEC. 93. Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than five hundred dollars or imprisonment in the city jail for a period not to exceed ninety days, or both such fine and imprisonment.

Maximum punishment for violation of city ordinance.

SEC. 94. Pleadings, practice and procedure in cases not governed by statutes or rules specifically

Pleadings practice and procedure, rules governing.

applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to justice courts.

Transfer of matters to municipal courts.

SEC. 95. All cases, proceedings and matters pending before justices of the peace who immediately before January 15, 1962, were acting as municipal or police judges, shall on January 15, 1962, be transferred to the municipal courts established by this chapter, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law.

Savings.

This chapter shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to January 15, 1962, but such appeal shall be conducted and concluded as if this chapter had not been enacted, except that if remanded from the superior court, the municipal court shall have authority and power to enforce the judgment of the lower court.

Furniture, equipment, transferred.

All furniture and equipment belonging to the city or town in which the court is located, now under the care and custody of the justice of the peace and/or municipal judge, shall be transferred to the municipal court established by this chapter on or before January 15, 1962, for use in the operation and maintenance of the municipal court.

Act cumulative.

SEC. 96. Although self-executing, the provisions of this chapter shall be cumulative and, notwithstanding any provision hereof, any city or town may elect to continue under any existing statutes relating to police courts, municipal courts, or laws relating to justices of the peace.

Chapter 7

CLERKS AND DEPUTY CLERKS

Vetoed.

Sec. 97. *Appointment and Term.* The county commissioners may appoint a clerk and such deputy clerks as are necessary for the administration of the court.

SEC. 98. *Compensation.* The clerk and deputy clerks shall receive such compensation as shall be provided by the county commissioners.

SEC. 99. *Powers and Duties.* The justice court shall prescribe the duties of the clerk and deputy clerks. Such duties may include the power to:

- (1) Accept and enter pleas;
- (2) Receive bail as set by the court;
- (3) Set cases for trial;
- (4) Administer oaths.

Chapter 8

SALARIES AND EXPENSES

SEC. 100. The annual salary of each full time justice of the peace shall be eight thousand dollars: *Provided*, That the city or county which pays the salary of such justice may increase such salary to an amount not to exceed thirteen thousand five hundred dollars: *Provided further*, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located.

Salaries of
justices of
the peace.

SEC. 101. *Salaries of Part Time Justices of the Peace.* The annual salaries of part time justices of the peace shall be as follows:

- (1) In justice court districts having a population under two thousand five hundred persons, four hundred dollars;
- (2) In justice court districts having a population of two thousand five hundred persons or more, but less than five thousand, a minimum of four hundred dollars and a maximum of two thousand four hundred dollars;

(3) In justice court districts having a population of five thousand persons or more, but less than seven thousand five hundred, a minimum of four hundred dollars and a maximum of three thousand dollars;

(4) In justice court districts having a population of seven thousand five hundred persons or more, but less than ten thousand, a minimum of four hundred dollars and a maximum of four thousand two hundred dollars;

(5) In justice court districts having a population of ten thousand persons or more, but less than twenty thousand, a minimum of one thousand dollars and a maximum of five thousand four hundred dollars;

(6) In justice court districts having a population of twenty thousand persons or more, but less than thirty thousand, a minimum of two thousand dollars and a maximum of six thousand six hundred dollars;

(7) In justice court districts having a population of thirty thousand persons or more, but less than forty thousand, a minimum of three thousand dollars and a maximum of seven thousand eight hundred dollars; and

(8) That all salaries of part time justices of the peace shall be set by the county commissioners in each county, in accordance with the minimum and maximum salaries as provided in this section.

SEC. 102. *Payment of Salaries.* The compensation of justices of the peace, clerks, judges pro tempore, deputy clerks, and court commissioners payable by the county shall be paid monthly out of the county treasury from the same funds out of which other salaried county officers are paid.

SEC. 103. *Travel Expenses.* Justices of the peace, justices of the peace pro tempore, court commissioners and justice court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided by RCW 36.17.030 as now or hereafter amended.

SEC. 104. *Other Court Expenses.* The county commissioners shall furnish all necessary facilities for the justice courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone: *Provided,* That the county commissioners shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

Chapter 9

INCOME OF COURT

SEC. 105. *Non-Suspension of Costs.* The court may at the time of sentencing or at any time thereafter suspend a portion or all of a fine or penalty except that costs of the action shall not be suspended: *Provided,* That the court may suspend costs in the case of juvenile or indigent defendants. "Costs" for the purpose of this section, does not include jury fees, witness fees or sheriff's fees.

SEC. 106. *Fees, Fines, Forfeitures and Penalties Except City Cases.* All fees, fines, forfeitures and penalties assessed and collected by justice courts, except fines, forfeitures and penalties assessed and collected because of the violation of city ordinances, shall be remitted by the justice court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

SEC. 107. *Disposition of Fees.* Except as provided in chapter 5 of this act, all amounts collected by a justice court as fees shall be remitted as provided in section 106 to be credited to the county current expense fund.

SEC. 108. *Costs, Fines, Forfeitures and Penalties from City Cases.* All costs, fines, forfeitures and penalties assessed and collected by justice courts

because of violations of city ordinances shall be remitted at least monthly directly to the treasurer of the city wherein the violation occurred.

SEC. 109. *Quarterly Disbursements.* Quarterly, the county treasurer shall determine the difference between the amount deposited to the current expense or salary fund by each justice court and the total expenditures of each justice court: *Provided,* That the cost of providing courtroom or other space shall not be included in such total expenditures for the purposes of this section. The treasurer shall then charge each governmental unit fund entitled to share in the receipts of the court its proportionate share of such unreimbursed difference of expenditures incurred during the quarter and make the appropriate treasurer's remittance to the current expense or salary fund. The proportionate share charged against each fund shall be determined by the relationship between the unreimbursed expenditures and the total credits of the court to each fund as required by section 106. Balances remaining in governmental funds shall then be remitted as provided by law.

SEC. 110. *Filing Fees in Civil Cases.* In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court the sum of four dollars, which sum shall be all the fees and charges which any party to such action shall be compelled to pay to the court up to and including the rendition of judgment in such action: *Provided,* That if process in replevin, attachment, or garnishment shall issue therein, the party procuring such process shall pay to such court an additional sum of one dollar for each such process as the fees and charges of the court incident to the proceedings.

SEC. 111. *Filing Fees in Criminal Cases.* Except in traffic cases wherein bail is forfeited to a violations

bureau, and except in cases filed in municipal departments established pursuant to chapter 5 of this act, in every criminal action filed by a city for an ordinance violation the city shall be charged a four dollar filing fee. In all other criminal actions, no filing fee shall be assessed or collected: *Provided*, That in such cases, for the purposes of section 105, four dollars of each fine or penalty shall be deemed filing costs.

Chapter 10

JURISDICTION AND VENUE

SEC. 112. *General Powers of Justice Court.* The justices of the peace elected in accordance with this act are authorized to hold court as judges of the justice court for the trial of all actions enumerated in this act or assigned to the justice court by law; to hear, try and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such justice court as far as the same may be applicable and not inconsistent with the provisions of this act. The justice court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12. RCW: *Provided*, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for offenses involving the revocation or suspension of a driver's license or other gross misdemeanor.

SEC. 113. *Civil Jurisdiction.* The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed five hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed five hundred dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed five hundred dollars;

(3) Of an action for a penalty not exceeding five hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed five hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed five hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed five hundred dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed five hundred dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed five hundred dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The amounts of money referred to in subparagraphs (1) through (9) shall be exclusive of interest, costs and attorney's fees.

SEC. 114. *Restrictions on Civil Jurisdiction.* The jurisdiction covered by section 113 shall not extend to the following civil actions:

- (1) Actions involving title to real property;
- (2) Actions for the foreclosure of a mortgage or enforcement of a lien on real estate;
- (3) Actions for false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction; and
- (4) Actions against an executor or administrator as such.

SEC. 115. *Venue—Civil Action.* (1) An action arising under section 113, subsections (1), (2) except for the recovery of possession of personal property, (4), (6), (7), and (9) may be brought in any justice court district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed or in which the defendant, or if there be more than one defendant, where some one of the defendants may be served with the notice and complaint in which latter case, however, the justice court district where the defendant or defendants is or are served must be within the county in which the said defendant or defendants reside.

(2) An action arising under section 113, subsection (2) for the recovery of possession of personal property and subsection (8) shall be brought in the district in which the subject matter of the action or some part thereof is situated.

(3) An action arising under section 113, subsection (3) and (5) shall be brought in the district in which the cause of action, or some part thereof arose.

(4) An action arising under section 113, subsection (2), for the recovery of damages for injuries to the person or for injury to personal property arising from a motor vehicle accident may be brought, at the plaintiff's option, either in the district in which the cause of action, or some part thereof, arose, or in the district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed.

(5) An action against a nonresident of this state may be brought in any district where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(6) For the purposes of this act, the residence of a corporation defendant shall be deemed to be in any district where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless herein otherwise provided.

SEC. 116. *Transfer of Proceedings.* If a civil action is brought in the wrong justice court district, the action may nevertheless be tried therein unless the defendant, at the time he appears, requests a transfer of the action to the proper district. Upon such demand an order shall be entered transferring the action to the proper district and awarding the defendant a reasonable attorney's fee to be paid by the plaintiff.

SEC. 117. *Criminal Jurisdiction.* The justice court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances: *Provided,* That it shall in no event impose a greater punish-

ment than a fine of five hundred dollars, or imprisonment for six months in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute; and it may suspend and revoke vehicle operator's licenses in the cases provided by law; (2) to sit as committing magistrates and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties.

SEC. 118. *Venue—Criminal Actions.* All criminal actions shall be brought in the justice court district where the alleged violation occurred: *Provided,* That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located and (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located.

SEC. 119. *Criminal Venue Corrected.* If a criminal action is commenced in an improper district under section 118, the justice court of the district may of its own volition or at the request of either party order the case removed for trial to a proper district.

SEC. 120. *Change of Venue.* A change of venue, except for violations of city ordinances, to another district may be allowed upon motion:

(1) Where there is reason to believe that an impartial trial cannot be had in the district in which the action was commenced; or

(2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the justice court of another district in the same county, if any, otherwise to the justice court of an adjacent district in another county. The court to which a case is removed on change of venue under this

section shall have the same jurisdiction, either civil or criminal to hear and determine the case as the court from which the case was removed.

SEC. 121. *Territorial Jurisdiction — Process.* Every justice having authority to hear a particular case may issue civil process in and to any place in the county or counties in which his district is located, and criminal process in and to any place in the state.

Advertising
as breach
of judicial
ethics.

SEC. 122. It shall be a breach of judicial ethics for any justice of the peace to advertise in any manner that he is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office.

Chapter 11

MAGISTRATES' ASSOCIATION

SEC. 123. *Magistrates' Association Established.* There is established in the state an association, to be known as the Washington State Magistrates' Association, membership in which shall include all duly elected or appointed and qualified inferior court judges, including but not limited to justices of the peace, police court judges and municipal court judges.

SEC. 124. *Meetings.* The first meeting of the Washington State Magistrates' Association shall be held at the next regular meeting of the present organization after the effective date of this act to be held during the month of August or September, 1961, at which meeting those inferior court judges, as provided in section 123, of this act, attending shall temporarily organize themselves for the purpose of adopting a Constitution and bylaws and may either adopt or amend the present Constitution and bylaws of the Washington State Magistrates' Association or provide for bylaws only, electing officers as provided therein and doing all things necessary and proper to

formally establish a permanent Washington State Magistrates' Association, after which meeting the association may meet each year during the month of August or September, beginning in 1962. Meetings shall be held in the state of Washington.

SEC. 125. *Expenses of Members.* For attendance at the annual meetings of the association, beginning in 1962 and thereafter, an inferior court judge shall be entitled to receive from the county or city responsible for the operating cost of the court over which he presides twenty dollars per day or major portion thereof; while attending meetings of the association, plus first class transportation or mileage allowance at the rate of ten cents per mile: *Provided,* That the per diem and transportation or mileage allowance authorized by this section shall not be paid to any judge for more than five days in any one calendar year.

SEC. 126. *Powers and Duties.* The Washington State Magistrates' Association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

(2) Promulgate suggested rules for the administration of the justice courts not inconsistent with the law or rules of the supreme court relating to such courts.

Chapter 12

MISCELLANEOUS

SEC. 127. *Transfer of Proceedings.* All cases, proceedings and matters pending before justice courts, police courts, municipal courts and night courts shall be transferred to the appropriate court established by this act, together with all files, records and proceedings relating to such cases. This act shall

not affect any appeal from any municipal court, police court, justice court or night court, but such appeal shall be conducted and concluded as if this act had not been enacted, except that if remanded from the superior court the superceding court shall have the authority and power to forfeit bail or bond or impose sentence thereon.

SEC. 128. *Saving.* The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall be in existence at the date this act becomes effective; nor shall the transfer of cases, proceedings and matters under the provisions of section 127, have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall be in existence at the date of such transfer.

Transmission
procedure in
counties—
Termination
of terms.

SEC. 129. All justice courts and inferior courts in counties effected by this act on the effective date of this act shall continue to function until the second Monday in January, 1963 as if this act had not been enacted: *Provided*, That no elections for justice of the peace shall be held in such counties in 1962 except as provided in this act: *Provided further*, That in such counties the terms of office of all justices of the peace, municipal judges and police court judges whose terms commenced prior to the second Monday in January, 1963 shall, except as otherwise provided in this act, expire on the second Monday in January, 1963.

Judges'
retirement.

SEC. 130. All justice court judges under this act shall remain members of the state retirement system.

Judges
ineligible
for other
employment.

SEC. 131. The full time judges of the justice court shall be ineligible to any other office, or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 132. *Severability.* If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 9, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 21, 1961, with the exception of a certain item in Section 48 and Section 97, which are vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,
excerpt.

"This bill constitutes a final legislative compromise of many years' efforts of judges, lawyers, and public spirited citizens. It represents progress long needed and on the whole meets with my wholehearted approval. The enactment of this bill will result unquestionably in improvements in the administration of justice on the Justice Court level.

"I veto the item contained in section 48 reading as follows:

'All personnel of a municipal department shall be appointed by the city.'

"I further veto section 97 which reads: 'The county commissioners may appoint a clerk and such deputy clerks as are necessary for the administration of the court.'

"The item and the section quoted are vetoed because Justices of the Peace in the past have always appointed their clerks and office staff. Believing as I do that the judiciary is a separate and independent branch of the government, it is my fervent conviction that neither a city nor a board of county commissioners, through the appointment of clerks and the office staff of a Justice of the Peace, should interfere with the independent discharge of duties of a Justice of the Peace.

"With the exception of the item quoted and enumerated, and the section referred to, which are vetoed, I approve the remainder of the bill."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 300.

[S. B. 173.]

STATE GOVERNMENT—COMPOSITION OF CERTAIN
BOARDS AND COMMISSIONS.

AN ACT relating to state government; amending section 6, chapter 7, Laws of 1921 and RCW 43.33.010 and 43.33.020; amending section 8, chapter 7, Laws of 1921 and RCW 43.34.010; amending section 3, chapter 250, Laws of 1947 as amended by section 1, chapter 162, Laws of 1957, and RCW 43.43.140; amending section 4, chapter 146, Laws of 1951 and RCW 78.52.020; and amending section 2, chapter 12, Laws of 1907 and RCW 43.33.030.

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

SECTION 1. Section 6, chapter 7, Laws of 1921 (heretofore divided and codified as RCW 43.33.010 and 43.33.020) is divided and amended to read as set forth in sections 2 and 3 of this act.

RCW 43.33.010 amended. Finance committee composition.

SEC. 2. (RCW 43.33.010) The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee.

RCW 43.33.020 enacted without amendment.

SEC. 3. (RCW 43.33.020) The state finance committee shall exercise all the powers and perform all duties prescribed by law with respect to the investment and safekeeping of public funds.

RCW 43.33.030 amended.

SEC. 4. Section 2, chapter 12, Laws of 1907 and RCW 43.33.030 are each amended to read as follows:

Records—Office.

The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record, maintain appropriate offices, and employ such personnel as shall be necessary to perform its duties.

RCW 43.34.010 amended.

SEC. 5. Section 8, chapter 7, Laws of 1921 and RCW 43.34.010 are each amended to read as follows:

Capitol committee composition.

The governor, the lieutenant governor, and the commissioner of public lands, ex officio, shall constitute the state capitol committee.

SEC. 6. Section 3, chapter 250, Laws of 1947 as amended by section 1, chapter 162, Laws of 1957, and RCW 43.43.140 are each amended to read as follows:

RCW 43.43.140
amended.

The general administration and management of the retirement fund and the making effective of the provisions hereof are hereby vested in the retirement board which shall have the authority to make all necessary rules and regulations, not inconsistent with the provisions hereof to carry into effect the provisions of this chapter.

Patrol retirement system—
Management—
Retirement
board.

The board shall consist of seven members as follows: Chief of the Washington state patrol, insurance commissioner, lieutenant governor and four members known as employee members, who shall be elected by ballot by members of the retirement fund in a manner to be approved by the retirement board. Two of said employee members shall be from and represent eastern Washington and two of said employee members shall be from and represent western Washington.

The chief of the Washington state patrol shall act at all times as chairman of the retirement board. A majority of the members of the board shall constitute a quorum for the transaction of business and any action taken shall be approved by five or more of its members. The board shall hold such meetings as are necessary to transact its business and in any event shall meet not less than once each year and sufficient notice shall [be] given the members thereof.

The election of employee members of the board shall be conducted by and under the supervision of the chief of the Washington state patrol. The chief of the Washington state patrol shall designate election dates and shall define election procedures: *Provided*, That the first election shall be held within thirty days after May 15, 1958. At the first election, each person eligible to participate in the retirement

fund shall have the right to vote for two qualified employee members, each person to vote only upon those members from his geographical division of the state. At the first election, the employee member receiving the greatest number of votes shall be deemed elected for a four year term; the employee member receiving the second greatest number of votes shall be deemed elected for a three year term; the employee member receiving the third greatest number of votes shall be deemed elected for a two year term; and the employee member receiving the fourth greatest number of votes shall be deemed elected for a one year term. Terms of office of the first members shall commence July 1, 1958. Upon expiration of the term of each of the employee members, each succeeding member shall be elected by general election and shall hold office for a term of four years. After the first election, those persons eligible to participate in the retirement fund and who are from the same geographical division as that of the employee member whose term of office has expired or whose office has become vacant shall have the right to vote for one qualified employee member to fill that office. Any vacancy occurring in the term of any qualified employee member of the retirement board shall be filled by a general election. The qualified employee member elected shall fill the unexpired term.

RCW 78.52.020
amended.

SEC. 7. Section 4, chapter 146, Laws of 1951 and RCW 78.52.020 are each amended to read as follows:

Conservation
committee
created.

There is hereby created and established an oil and gas conservation committee, which shall consist of the governor, the land commissioner, and the lieutenant governor together with the director of conservation and development and the state treasurer. The governor shall be the chairman of this committee, and the commissioner of public lands shall be its executive secretary. The members of

the committee may act through designated agents or deputies for the purpose of carrying out the provisions of this chapter.

Passed the Senate March 8, 1961.

Passed the House March 7, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 301.

[H. B. 57.]

WASHINGTON STATE ARTS COMMISSION.

AN ACT creating the Washington state arts commission and defining its powers and duties.

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

SECTION 1. It is hereby declared that the preservation and development of beauty is essential to the progress and growth of the state of Washington. The growth and development of the arts provides for the general welfare and is hereby declared to be an appropriate matter of concern to the government of the state of Washington. This growth and development has enabled the state of Washington, although comparatively young in years, to produce many artists and writers of national and international fame.

Legislative
declaration.

SEC. 2. There is hereby established a Washington state arts commission. The commission shall be composed of twenty-one members appointed by the governor. Members shall be appointed representing the various categories of the arts including architecture, painting, sculpture, music, landscape architecture, crafts, literature, graphic arts, theatre arts and dance. The governor shall consider nominations for membership from architectural, art, music, literary and other cultural organizations. Members

State arts
commission.
Created—
Members,
appointment.

shall be selected where practicable from the various geographical areas of the state.

Members—
Terms.

SEC. 3. Initial appointments shall be seven members for one year terms, seven members for two year terms and seven members for three year terms. Subsequent appointments shall be for three year terms except appointments for vacancies which shall be for unexpired terms.

Commission
chairman,
quorum.

SEC. 4. Members of the commission shall serve without compensation. The commission shall organize, elect a chairman annually, and adopt its own rules and regulations. A majority of its members shall constitute a quorum.

Powers and
duties.

SEC. 5. The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the beautification and cultural development of the state of Washington.

Gifts and
grants to.

SEC. 6. The commission may accept gifts and grants upon such terms as the commission shall deem proper.

Annual
report.

SEC. 7. The commission shall make an annual report of its proceedings and recommendations to the governor.

Vetoed.

Sec. 8. Provided that no funds from the governor's emergency fund shall be expended in carrying out the provisions of this act.

Poet
laureate.

SEC. 9. The commission shall have the authority to designate a poet laureate for the state of Washington.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 8, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,
excerpt.

"This bill creates a Washington State Arts Commission consisting of 21 members. During the past two years such a commission existed solely by virtue of executive action. I greatly appreciate the fact that the Legislature has recognized the merits of such a commission by granting it statutory existence. I would like to advise the members of the Legislature that the artists who have served in the past on this commission have done so at great personal sacrifice. They have served the State without receiving a per diem allowance, and without receiving even their actual traveling and other expenses incurred. Their collective wisdom and their recommendations have made all of us aware of the truism that 'man does not live by bread alone'.

"We in the State of Washington are greatly honored and justly proud of the fact that some of the greatest painters and poets and other artists of the nation reside in our State, or have been educated here.

"This bill is approved with the exception of section 8 which provides that no funds from the Governor's emergency fund shall be expended in carrying out the provisions of this Act. I would like to call the attention of the members of the Legislature to the fact that only recently, President Kennedy honored one of the great poets of this nation by having him deliver a poem at his inauguration. There may be need to utilize a small sum from my emergency fund for the purpose of supplying to the Art Commission stationery, stamps, and the services of a part-time secretary. I believe the attitude of some of the Legislators in attempting to prevent me from utilizing a small amount from my emergency fund for the purposes indicated is shortsighted, and betrays a Philistine attitude unbecoming the representatives of a great state. By disallowing me to utilize a very small portion of state funds for the purpose indicated you would in effect put the artists into a position of a second class citizen. This I will not allow.

"Let us be ever mindful that in centuries to come, when the labors of statesmen and legislators have become dust and ashes, the creative genius of our artists alone may survive. Let us, therefore, treat them with the respect that is due them by virtue of their creative ability.

"For the reasons indicated, section 8 is vetoed. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 302.

[H. B. 26.]

JUVENILE COURT LAW.

AN ACT relating to the juveniles, amending section 1, chapter 160, Laws of 1913 and RCW 13.04.010; amending section 7, chapter 160, Laws of 1913 and RCW 13.04.080; amending section 8, chapter 160, Laws of 1913 and RCW 13.04.100; amending section 1, chapter 188, Laws of 1955 and RCW 13.04.105; amending section 4, chapter 297, Laws of 1957 as amended by section 2, chapter 251, Laws of 1959 and RCW 13.08.190 and adding the same to chapter 160, Laws of 1913 and to chapter 13.04 RCW; adding eleven new sections to chapter 160, Laws of 1913 and chapter 13.04 RCW; and repealing section 1, chapter 103, Laws of 1891 as amended by section 1, chapter 19, Laws of 1905 and

RCW 13.08.080; section 2, chapter 103, Laws of 1891 as amended by section 2, chapter 19, Laws of 1905 and RCW 13.08.090; section 3, chapter 103, Laws of 1891 and RCW 13.08.100; section 4, chapter 103, Laws of 1891 and RCW 13.08.110; section 5, chapter 103, Laws of 1891 and RCW 13.08.120; section 6, chapter 103, Laws of 1891 and RCW 13.08.130; section 1, chapter 111, Laws of 1913 and RCW 13.08.140; section 3, page 257, chapter 97, Laws of 1909 and RCW 13.08.150; section 24, chapter 249, Laws of 1909 and RCW 13.08.160; section 6, chapter 157, Laws of 1913 and RCW 13.08.170; section 7, chapter 157, Laws of 1913 and RCW 13.08.180; section 5, chapter 297, Laws of 1957 and RCW 13.08.200; section 6, chapter 297, Laws of 1957 and RCW 13.08.210; section 72.16.080, chapter 28, Laws of 1959 and RCW 72.16.080; section 10, chapter 160, Laws of 1913 and RCW 13.04.090; amending section 2, chapter 160, Laws of 1913, as last amended by section 1, chapter 65, Laws of 1937, and RCW 13.04.030.

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

RCW 13.04.010 amended.

SECTION 1. Section 1, chapter 160, Laws of 1913 and RCW 13.04.010 are each amended to read as follows:

Juvenile court law
—Dependent or delinquent children—
Wards of state.

This chapter shall be known as the “Juvenile Court Law” and shall apply to all minor children under the age of eighteen years who are delinquent or dependent; and to any person or persons who are responsible for or contribute to, the delinquency or dependency of such children.

For the purpose of this chapter the words “dependent child” shall mean any child under the age of eighteen years:

(1) Who has no home or any settled place of abode, or any proper guardianship, or any visible means of subsistence; or

(2) Who has no parent, guardian or other responsible person; or who has no parent or guardian willing to exercise, or capable of exercising, proper parental control; or

(3) Whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or on the part of the person

in whose custody or care he may be, or for any other reason, is an unfit place for such child; or

(4) Who frequents the company of reputed criminals; vagrants or prostitutes; or

(5) Who is found living or being in any house of prostitution or assignation; or

(6) Who habitually visits any saloon, or place where spirituous, vinous, or malt liquors are consumed or sold, bartered, or given away; or

(7) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian, or custodian by reason of the conduct or nature of said child; or

(8) Who is in danger of being brought up to lead an idle, dissolute or immoral life; or

(9) Who is an habitual truant, as defined in the school laws of the state of Washington; or

(10) Who uses intoxicating liquor as a beverage, or who uses opium, cocaine, morphine, heroin, or marijuana, or other similar drug, without the direction of a competent physician; or

(11) Who wanders about in the nighttime without being on any lawful business or occupation; or

(12) Who is grossly and wilfully neglected as to medical care necessary for his well-being.

The words "delinquent child" mean any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, or county of this state defining a crime or who has violated any federal law or law of another state defining a crime, and whose case has been referred to the juvenile court by any jurisdiction whatsoever.

For the purpose of this chapter only, all children who have been adjudicated delinquent and dependent children within the state shall be considered wards of this state and their persons shall be subject to the custody, care, guardianship and control of the court as hereinafter provided.

New section.

SEC. 2. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Detention of child— Notification of parent or guardian— Requisites for continued detention.

Whenever any child is taken into custody, the parent or guardian must be immediately notified. Such requirement may be waived by the court in cases where the parent or guardian cannot be located.

No child shall be held in detention or shelter longer than seventy-two hours excluding Sundays and holidays, unless a petition as provided for in RCW 13.04.060 has been filed. No child may be held longer than seventy-two hours after the filing of such a petition unless an order for such continued detention or shelter has been signed by the juvenile court judge. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued detention. In every order authorizing continued detention the court shall make and enter its findings upon which continued detention is based.

New section.

SEC. 3. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Informal disposition of cases authorized.

Whenever any child is brought to their attention the probation officers in each county may with the consent of the parent, parents, or legal guardian make whatever informal adjustment or disposition of the case as is practical without the filing of a petition as provided in RCW 13.04.060 subject to the review of the juvenile court judge.

RCW 13.04.080 amended.

SEC. 4. Section 7, chapter 160, Laws of 1913 and RCW 13.04.080 are each amended to read as follows:

Publication of summons.

In any case where it shall appear by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a nonresident of this state, or that the name or place of residence or whereabouts of such

person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.04.070, and a copy of said notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase "To whom it may concern" shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition and the date of hearing and the object of the proceeding in general terms, shall be set forth and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

SEC. 5. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

All hearings may be conducted at any time or place within the limits of the county, and such cases shall not be heard in conjunction with other business of the court. The general public shall be excluded and only such persons shall be admitted

Hearings—
Private—
Records of.

who are found by the judge to have a direct interest in the case or in the work of the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

New section.

SEC. 6. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Commitment orders—Scope.

When any child shall be found to be delinquent or dependent, within the meaning of this chapter, the court shall make such order for the care, custody, or commitment of the child as the child's welfare in the interest of the state require. Subject to further order, the court may commit the child:

- (1) To the care of such child's parents, subject to supervision of the probation officer; or
- (2) To the custody of a probation officer, subject to such conditions as the judge may impose; or
- (3) To a reputable citizen or association able and willing to receive and care for such child; or
- (4) To an appropriate private agency authorized to care for children; or
- (5) To the department of public assistance; or
- (6) To the department of institutions.

In no case shall a child be committed beyond the age of twenty-one years. A child committed to the department of institutions shall be subject to the supervision and control thereof and the department shall have the power to parole such child under such conditions as may be prescribed.

The department of institutions shall have the power to discharge such child from custody, and the court shall have the power to rescind the commitment of such child, whenever his or her reformation shall be deemed complete.

RCW 13.04.100 amended.

SEC. 7. Section 8, chapter 160, Laws of 1913 and RCW 13.04.100 are each amended to read as follows:

An order of commitment may be temporary or

permanent in the discretion of the court, and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find the child dependent or delinquent, it may in the same or subsequent proceeding upon the parent or parents, guardian, or other person having custody of said child, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such persons or person to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution, or in any way in which a court of equity may enforce its decrees. In any case where it appears that the parents, guardian, or other person having custody of the child is unable to support the child, or contribute to his support, the court shall give notice of such fact to the department of public assistance, and in all such cases the department shall be given an opportunity to appear and be heard. In event such child is ordered committed other than to the department of institutions, or the department of public assistance, the court may further order that the department of public assistance support, or contribute to the support of the child to the extent that the total of such support will not exceed the rate per month as from time to time may be fixed by said department for other children in similar foster care. If, under emergency circumstances, immediate placement in foster care is necessary, or desirable for the welfare of the child, the court may place a child directly with a foster parent or parents in a foster home not then having a certificate as such, and in such case the court shall notify the department of public assistance of such placement.

Commitment
of child—
Financial
support.

The department of public assistance shall prompt-

ly evaluate the home in relation to the needs of the child, report its findings to the court and keep the court informed of the progress of the child. In the event of such emergency placement, the department of public assistance shall pay for such foster care from the time of placement. Such foster care may be provided for a child who is, by order, under the supervision of a probation officer.

Whenever a child is committed to the department of public assistance, the department shall report to the court, from time to time as the court may require, as to the financial condition of the parent or guardian: *Provided*, That no order for the payment by the department of public assistance of all or part of the expense of support and maintenance of a dependent or delinquent child shall be effective for more than six months, unless a new order is secured at the expiration of that period.

RCW 13.04.105
amended.

SEC. 8. Section 1, chapter 188, Laws of 1955 and RCW 13.04.105 are each amended to read as follows:

Judgment
for financial
support.

In any case in which an order or decree of the juvenile court requiring a parent or parents, guardian, or other person having custody of a child to pay for detention care and/or support of such child is not complied with, the court may, upon such person or persons being duly summoned or voluntarily appearing, proceed to inquire into the amount due upon said order or decree and enter judgment for such amount against the defaulting party or parties, and such judgment shall be docketed as are other judgments for the payment of money.

In such judgments, the county in which the same are entered shall be denominated the judgment creditor, or the state may be the judgment creditor where the child is in the custody of a state agency and said judgments may be enforced by the prosecuting attorney of such county, or the attorney gen-

eral where the state is the judgment creditor and any moneys recovered thereon shall be paid into the registry of the juvenile court and shall be disbursed to such person, persons, agency, or governmental department as the court shall find to be entitled thereto.

Such judgments shall remain as valid and enforceable judgments for a period of six years subsequent to the entry thereof.

Sec. 9. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

In every case involving the change of custody or deprivation of parental rights of custody of a child, the child, through his parent, parents or guardian having legal custody of the child, shall have the right to a jury trial and an appeal to the supreme court in the same manner as appeals are provided for in civil cases or by writ of certiorari at the election of the appellant: PROVIDED, That juvenile courts shall have no jurisdiction in cases involving a minor over the age of sixteen years who is charged solely with violating any state motor vehicle law or any city or town traffic ordinance. Police courts, justice courts, or superior courts having jurisdiction shall dispose of such cases in like manner as with cases involving adult defendants.

Vetoed.

SEC. 10. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

New section.

Any boy or girl between the ages of eight and eighteen years who has been found delinquent by the juvenile court may be committed by the juvenile court to the department of institutions, for institutional placement in such reception diagnostic center, or other juvenile correctional facility under the supervision of the department of institutions as shall be designated by the director of the department of

Commitment of delinquents
—Notice.

institutions: *Provided*, That at such time as institutional placement for any boy or girl committed by the juvenile court to the department has been designated by the director, or any transfer in institutional placement shall be made, notice thereof shall be given to the committing court and to the parents or guardian of such child, or any agency legally responsible for such child.

RCW 13.08.190 amended, re-codified.

SEC. 11. Section 4, chapter 297, Laws of 1957 as amended by section 2, chapter 251, Laws of 1959 and RCW 13.08.190 are each amended to read as set forth in section 12 of this amendatory act and said section is added to chapter 160, Laws of 1913 and to chapter 13.04 RCW.

Commitment of incorrigible juvenile delinquents in state reformatory.

SEC. 12. The director of the department of institutions may designate the Washington state reformatory for the transfer in institutional placement of incorrigible juvenile delinquents over the age of sixteen years, the custody of such children to remain in the director, and such children in no event to remain at the Washington state reformatory beyond the time at which they are eligible for a complete release from the state training school as provided in RCW 13.08.140: *Provided*, That the term "incorrigible juvenile delinquent" for the purposes of this section shall mean conduct by a juvenile committed to the department by the juvenile court indicating over the course of a reasonable period of time that the rehabilitative program of the department can be of no further benefit to such juvenile, and that he is in need of closer security.

New section.

SEC. 13. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows:

Petition for review of commitment of delinquents.

The decision of the director on institutional placement or transfer of institutional placement of any juvenile committed under the provisions of sections 10 and 11 of this amendatory act may be reviewed by

the committing court, upon the petition of the parents or guardian of such juvenile, or any agency legally responsible for such juvenile or by the committing court on its own motion. Such petition must be filed in the committing juvenile court within thirty days from the date of the giving of notice of institutional placement or transfer in institutional placement by the director. A copy of the petition shall be served upon the director and the attorney general, either personally or by registered mail, at least ten days prior to the date set for hearing.

SEC. 14. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

If the court finds that the decision of the director on the institutional placement or transfer of institutional placement of any juvenile committed under the provisions of sections 10 and 11 of this amendatory act is arbitrary, capricious, or contrary to law, the court may change, modify, or set aside the decision of the director. The ruling of the committing court shall be appealable to the state supreme court. Review of
commitment
of delinquents
—Order—
Appeal.

SEC. 15. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

The probation officer's investigation record and report in each case, shall be withheld from public inspection, but such records shall be kept open to the inspection of the child, his parents, or guardians, or attorney, and to such other persons as may secure a special order of the court therefor. Such records shall be kept as unofficial records of the court and may be destroyed at the discretion of the court. Probation
officer's
investigation
record—
Private—
Destruction of.

SEC. 16. There is added to chapter 160, Laws of 1913 and chapter 13.04 RCW a new section to read as follows: New section.

An order of court adjudging a child delinquent

Judgment not conviction of crime.

or dependent under the provisions of this chapter shall in no case be deemed a conviction of crime.

Repeal.

SEC. 17. Section 1, chapter 103, Laws of 1891 as amended by section 1, chapter 19, Laws of 1905 and RCW 13.08.080; section 2, chapter 103, Laws of 1891 as amended by section 2, chapter 19, Laws of 1905 and RCW 13.08.090; section 3, chapter 103, Laws of 1891 and RCW 13.08.100; section 4, chapter 103, Laws of 1891 and RCW 13.08.110; section 5, chapter 103, Laws of 1891 and RCW 13.08.120; section 6, chapter 103, Laws of 1891 and RCW 13.08.130; section 1, chapter 111, Laws of 1913 and RCW 13.08.140; section 3, page 257, chapter 97, Laws of 1909 and RCW 13.08.150; section 24, chapter 249, Laws of 1909 and RCW 13.08.160; section 6, chapter 157, Laws of 1913 and RCW 13.08.170; section 7, chapter 157, Laws of 1913 and RCW 13.08.180; section 5, chapter 297, Laws of 1957 and RCW 13.08.200; section 6, chapter 297, Laws of 1957 and RCW 13.08.210; section 72.16.080, chapter 28, Laws of 1959 and RCW 72.16.080; section 10, chapter 160, Laws of 1913 and RCW 13.04.090; are each hereby repealed.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 9, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message, excerpt.

"House Bill No. 26 is a result of several years' work of numerous public and private agencies. The bill modernizes and improves many sections of our Juvenile Court Act. It also adds several new provisions to the Juvenile Code. I am sincerely convinced that the changes made are on the whole salutary, and that they will result in further improving our handling of juveniles.

"Section 9 of House Bill No. 26 provides: 1. That in cases involving change of or deprivation of custody of children a jury trial shall be had; 2. that in addition to the writ of certiorari appeal shall lie in juvenile cases involving custody; and 3. that juveniles charged with violating provisions of the Motor Vehicle Code, or city ordinances pertaining to motor vehicles, shall be tried by a police court, justice court, or superior court, respectively, rather than in Juvenile Court.

"Let me say at the outset, that I appreciate the well intentioned efforts of the members of the Legislature to curb through the provisions of section 9, certain tyrannical tendencies on the part of some of our juvenile courts which have been manifested in a few instances. However,

I cannot conscientiously approve of the proffered remedies contained in section 9, because I do not believe it wise to 'burn the barn to roast a pig'.

"It is my firm conviction that to permit section 9 to become law would constitute a step backward in the administration of justice for juveniles.

"From times immemorial, down to the present day, matters concerning the custody of children have always been treated by our system of jurisprudence as being of equitable cognizance. Thus, in divorce cases where custody of children is often determined, no jury trial is allowed. Jury trials in custody cases would often prolong judicial proceedings in situations, where for the benefit of the children involved, speed of decision is of utmost importance. Take, for instance, the several cases of which all of us have become aware during recent years, where it had become necessary to deprive parents of custody forthwith in order that lifesaving medical treatment could be administered to a child. In addition, prolonged delays of decision in juvenile cases would necessarily result in undesirable, prolonged detention of juveniles. Furthermore, there exists a real danger that the publicity, and the formality of a jury trial might leave a child a victim of severe psychological trauma. Finally, jury trials in such cases would add considerably to the cost of administering the juvenile law thereby diverting funds which otherwise would be free to be devoted to the care or rehabilitation of young people.

"Some of the reasons advanced against allowing trial by jury in juvenile cases obviously are also applicable to permitting juvenile traffic offenders to be tried in courts other than a juvenile court. In addition I should point out that juvenile courts have developed certain very successful correctional devices for juvenile traffic offenders such as requirements of attending a traffic school and suspension of driver's permit in cases of offenses where the law pertaining to adults would not allow such suspension.

"While I believe that there is some real merit in allowing the right of appeal in juvenile cases, it is highly questionable whether I can single out for purposes of veto, that portion of section 9 dealing with the right of appeal.

"For the reasons indicated, section 9 is vetoed; the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 303.

[H. B. 55.]

SUPERIOR COURTS—CHANGE OF VENUE—
CHANGE OF JUDGES.

AN ACT relating to the disqualification of judges of the superior courts, and providing for change of venue or change of judges on account thereof; and amending section 1, chapter 121, Laws of 1911 as amended by section 1, chapter 145, Laws of 1927 and RCW 4.12.040; and adding a new section to RCW 10.25.

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

RCW 4.12.040
amended.

SECTION 1. Section 1, chapter 121, Laws of 1911 as amended by section 1, chapter 145, Laws of 1927 and RCW 4.12.040 are each amended to read as follows:

Superior
courts—
Prejudice of
judge—Change
of venue.

No judge of a superior court of the state of Washington shall sit to hear or try any action or proceeding when it shall be established as hereinafter provided that said judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge in judicial districts where there is more than one judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court. In all judicial districts where there is only one judge, a certified copy of the motion and affidavit filed in the cause shall be transmitted by the clerk of the superior court to the clerk of the supreme court or the administrator for the court, and the chief justice of the supreme court shall direct a visiting judge to hear and try such action as soon as convenient and practical.

The presiding judge in judicial districts where there is more than one judge, or the chief justice of the supreme court for judicial districts where there is only one judge, may send a case for trial to another court if the convenience of witnesses or the

ends of justice will not be interfered with by such a course and the action is of such a character that a change of venue may be ordered: *Provided*, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his right to a trial by a jury of the county in which the offense is alleged to have been committed.

SEC. 2. When a criminal case is transferred to another county pursuant to RCW 10.25 the county from which such case is transferred shall pay to the county in which the case is tried all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to a convicted defendant.

Transfer of
criminal case
—Payment of
costs.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 304.

[H. B. 138.]

FEES OF PUBLIC OFFICERS.

AN ACT relating to fees of public officers; amending and enacting section 5, chapter 51, Laws of 1951, and RCW 36.18.020; amending section 1, chapter 43, Laws of 1903, as last amended by section 1, chapter 205, Laws of 1909, and RCW 4.44.100; amending section 2, chapter 43, Laws of 1903 and RCW 4.44.110; amending section 3, chapter 56, Laws of 1893, as last amended by section 1, chapter 26, Laws of 1955, and RCW 7.32.030; amending section 82.32-.220, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 82.32.220; amending section 9, chapter 188, Laws of 1941 and RCW 59.08.090; amending section 3, page 418, Laws of 1869, as amended by section 2105, Code 1881, and RCW 10.46.190; amending section 1, chapter 249, Laws of 1953, as last amended by section 1, chapter 31, Laws of 1957, and RCW 27.24.070; adding a new section to chapter 126, Laws of 1913 and to chapter 2.32 RCW; and repealing section 2, chapter 249, Laws of 1953 and RCW 27.24.080.

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

RCW 36.18.020 amended.

SECTION 1. Section 5, chapter 51, Laws of 1951, and RCW 36.18.020 are each amended and enacted to read as follows:

Superior courts—
Clerk's fees.

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of fifteen dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of fifteen dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the tax commission of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars, and in the event that the case is settled out of court not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or

without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of fifteen dollars: *Provided, however,* A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of fifteen dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of fifteen dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to the effective date of this amendatory act shall be completed and governed by the fee schedule in effect as of January 1, 1959.

RCW 4.44.100 amended.

SEC. 2. Section 1, chapter 43, Laws of 1903, as last amended by section 1, chapter 205, Laws of 1909, and RCW 4.44.100 are each amended to read as follows:

Civil procedure—Jury trial—Fee—Waiver.

In all civil actions triable by a jury in the superior court any party to the action may, at or prior to the time the case is called to be set for trial, serve upon the opposite party or his attorney, and file with the clerk of the court a statement of himself, or attorney, that he elects to have such case tried by jury. Unless such statement is filed and a jury fee paid as provided by law, the parties shall be deemed to have waived trial by jury, and consented to a trial by the court: *Provided*, That, in the superior courts of counties of the first class such parties shall serve and file such statement, in manner herein provided, at any time not later than two days before the time the case is called to be set for trial.

RCW 4.44.110 amended.

SEC. 3. Section 2, chapter 43, Laws of 1903 and RCW 4.44.110 are each amended to read as follows:

Fee part of taxable costs.

The jury fee paid by the party demanding a trial by jury shall be a part of the taxable costs in such action.

RCW 7.32.030 amended.

SEC. 4. Section 3, chapter 56, Laws of 1893, as last amended by section 1, chapter 26, Laws of 1955, and RCW 7.32.030 are each amended to read as follows:

Garnishment—Application for writ—Affidavit—Contents—Deposit.

Before the issuance of the writ of garnishment the plaintiff or someone in his behalf shall make application therefor by affidavit, stating the facts authorizing the issuance of the writ, including the amount alleged to be due, and that the plaintiff has reason to believe, and does believe, that the garnishee, stating his name and residence, is indebted to the defendant, or that he has in his possession, or under his control, personal property or effects belonging to the defendant, or that the garnishee is an incorporated or joint stock company, and that the defendant is the owner of shares in such company

or has an interest therein, and shall pay to the clerk of the court a fee as provided by law.

SEC. 5. There is added to chapter 126, Laws of 1913 and to chapter 2.32 RCW, a new section to read as follows: New section.

The clerk of the superior court shall pay into the county treasury from each fee collected for the filing of each new civil case in his office, including appeals, the sum of four dollars, which shall be known as stenographer or court reporter costs. Stenographer
or court
reporter fees.

SEC. 6. Section 82.32.220, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 82.32.220 are each amended to read as follows: RCW 82.32.220
amended.

The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: *Provided, however,* That the phrase "bona fide interests of third persons" shall not in-

Excise taxes
—Tax warrant
—Execution of
—Lien—Satis-
faction.

clude any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk, and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee as provided by law, which shall be added to the amount of the warrant.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

SEC. 7. Section 9, chapter 188, Laws of 1941 and RCW 59.08.090 are each amended to read as follows:

The sheriff's fee shall be the same as in other civil actions. Sheriff's fee.

SEC. 8. Section 3, page 418, Laws of 1869, as amended by section 2105, Code 1881 and RCW 10.46.190 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace, shall be liable to all the costs of the proceedings against him, including, when tried by a jury in the superior court, a jury fee as provided for in civil actions, and when tried by a jury before a committing magistrate, six dollars for jury fee, for which judgment shall be rendered and collection had as in cases of fines. The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk, to be by him applied as the jury fee in civil cases is applied. Criminal procedure—Jury trial—Fee.

SEC. 9. Section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 31, Laws of 1957, and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his office of every new probate or civil matter, including appeals, abstracts or transcripts of judgments, the sum of three dollars for the support of the law library in that county, which shall be paid to the county treasurer to be credited to the county law library fund. There shall be paid to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is one hundred dollars or more, in addition to the other fees required by law the sum of one dollar and fifty cents as fees for the support of the law library in that county which are to be taxed as part of costs in each case: Civil procedure—Superior court—Fees for support of law library.

(1) By each person instituting an action, when the first paper is filed;

(2) By each defendant, other adverse party, or intervenor, appearing separately when his appearance is entered on his first paper filed.

The justice of the peace shall pay such fees so collected to county treasurer to be credited to the county law library fund.

Repeal.

SEC. 10. Section 2, chapter 249, Laws of 1953 and RCW 27.24.080 are each hereby repealed.

Severability.

SEC. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1961.

Passed the Senate March 6, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 305.

[H. B. 367.]

SCHOOL DIRECTORS—POWERS.

AN ACT relating to school districts; and amending section 2, chapter 68, Laws of 1955 and RCW 28.58.100.

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

RCW 28.58.100 amended.

SECTION 1. Section 2, chapter 68, Laws of 1955 and RCW 28.58.100 are each amended to read as follows:

School directors—General powers.

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed

by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure school-houses and employ janitors, laborers and mechanics;

(4) Cause all school houses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

Whenever any school children are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss by reason of theft, fire or property damage to the motor vehicle, and to protect the district against loss by reason of liability of the district to persons from the operation of such motor vehicle.

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services

collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district.

Passed the House February 18, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 306.

[H. B. 492.]

MOTOR VEHICLES—TEMPORARY PERMITS FOR INTERSTATE OPERATION.

AN ACT relating to motor vehicles; providing for temporary permits for interstate operation in lieu of certificates of ownership and license registration; amending section 46.16.160, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.16.160.

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

SECTION 1. Section 46.16.160, chapter 12, Laws of 1961 (House Bill No. 2) and RCW 46.16.160 are each amended to read as follows:

RCW 46.16.160 amended.

Any commercial vehicle bearing valid license plates and registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hun-

Vehicle licenses—Fees on out-of-state commercial vehicles—Reciprocity.

dred forty consecutive hours: *Provided, however,* That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: *Provided,* Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: *Provided, further,* That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

For each permit issued the director, or his designated agent, shall assess an administrative charge of two dollars and fifty cents plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles with gross loads of			
0	.....	9,999 lbs.	..... \$0.50
10,000	.....	19,999 lbs.	..... \$1.00
20,000	.....	29,999 lbs.	..... \$1.50
30,000	.....	36,000 lbs.	..... \$2.00

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this

chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund.

Passed the House March 2, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 307.

[H. B. 693.]

COMPENSATION OF STATE OFFICERS.

AN ACT relating to state government; amending section 1, chapter 340, Laws of 1955, and RCW 43.03.028; amending section 1, chapter 224, Laws of 1937, as last amended by section 2, chapter 340, Laws of 1955, and RCW 43.03.040; amending section 3, chapter 340, Laws of 1955, and RCW 43.41.010; amending section 80.01.010, chapter 14, Laws of 1961 and RCW 80.01.010; amending section 3, chapter 97, Laws of 1933, as last amended by section 12, chapter 340, Laws of 1955, and RCW 43.78.070; amending section 3, chapter 215, Laws of 1957, and RCW 43.31.030; amending section 63, chapter 62, Laws of 1933, extraordinary session, as last amended by section 8, chapter 5, Laws of 1949, and RCW 43.66.010; amending section 51.52.010, chapter 23, Laws of 1961 and RCW 51.52.010; amending section 77.04.060, chapter 36, Laws of 1955, as amended by section 1, chapter 352, Laws of 1955, and RCW 77.04.060; amending section 12, chapter 247, Laws of 1951, as amended by section 31, chapter 172, Laws of 1957, and RCW 43.27.180; amending section 4, chapter 165, Laws of 1947, and RCW 14.04.040; amending section 5, chapter 271, Laws of 1947, as amended by section 3, chapter 391, Laws of 1955, and RCW 43.51.060; and amending section 2, chapter 110, Laws of 1947, and RCW 43.61.020.

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

SECTION 1. Section 1, chapter 340, Laws of 1955, and RCW 43.03.028 are each amended to read as follows:

RCW 43.03.028
amended.

There is hereby created a committee to be known as the governor's advisory committee on salaries, to

Governor's
advisory
committee
on salaries.

consist of seven members as follows: The dean of the College of Business Administration of the University of Washington; the dean of the School of Economics and Business of Washington State University; the chairman of the State Personnel Board; the president of the Association of Washington Industries; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association, and one representative from organized labor. The committee herein created shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, and to recommend to the governor the salaries to be fixed for each respective position. Such recommendations shall be submitted to the governor in writing at least once in each fiscal biennium on such date as the governor may designate.

The committee shall also make a study of the duties and salaries of all state elective officials including members of the supreme and superior courts and of the members of the legislature and report to the governor and the legislative council not later than sixty days prior to the convening of each regular session of the legislature and recommend the salaries to be established for each position by the legislature.

RCW 43.03.040
amended.

SEC. 2. Section 1, chapter 224, Laws of 1937, as last amended by section 2, chapter 340, Laws of 1955, and RCW 43.03.040 are each amended to read as follows:

The directors of the several departments and

members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of highways, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the advisory committee on salaries created in RCW 43.03.028, upon the basis of official responsibility.

Governor may fix salaries of department heads—Maximum.

SEC. 3. Section 3, chapter 340, Laws of 1955, and RCW 43.41.010 are each amended to read as follows:

RCW 43.41.010 amended.

There is hereby created in the office of the governor the office of "director of budget." The director of budget shall be appointed by the governor with the consent of the senate; shall hold office during the pleasure of the governor, and shall receive an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. He shall have the power to appoint such assistants, deputies and other personnel as may be necessary to carry out the provisions of this chapter. As the personal representative of the governor with respect to fiscal matters it shall be his duty to attend the meetings of the administrative board.

Director of budget, office created.

SEC. 4. Section 80.01.010, chapter 14, Laws of 1961 and RCW 80.01.010 are each amended to read as follows:

RCW 80.01.010 amended.

There is hereby created and established a state commission to be known and designated as the Washington public service commission, and in this chapter referred to as the commission.

Public service commission—Created—Appointment of members—Terms—Removal—Vacancies filled.

The commission shall be composed of three members appointed by the governor, with the consent

of the senate. Not more than two members of said commission shall belong to the same political party.

The members of the first commission to be appointed after taking effect of this section shall be appointed for terms beginning April 1, 1951, and expiring as follows: One commissioner for the term expiring January 1, 1953; one commissioner for the term expiring January 1, 1955; one commissioner for the term expiring January 1, 1957. Each of the commissioners shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first to be appointed as herein provided, each succeeding commissioner shall be appointed and hold office for the term of six years. One of such commissioners to be designated by the governor, shall, during the term of the appointing governor, be the chairman of the commission.

Each commissioner shall receive a salary as may be fixed by the governor in accordance with the provisions of RCW 43.03.040.

Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a special tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review.

If the tribunal specified herein finds the charges of the governor to be true, the governor shall have the right to immediately remove the commissioner from office, to declare the position of the commissioner vacant, and appoint another commissioner to

the position in accordance with the provisions of the law.

Any vacancy arising in the office of commissioner shall be filled by appointment by the governor, and an appointee selected to fill such vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.

If 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 or nominations for the office to be filled.

SEC. 5. Section 3, chapter 97, Laws of 1933, as last amended by section 12, chapter 340, Laws of 1955, and RCW 43.78.070 are each amended to read as follows:

RCW 43.78.070
amended.

The public printer shall use the state printing plant, upon the following conditions, to wit:

Public printer
—Use of state
plant—Con-
ditions.

(1) He shall do the public printing, and charge therefor the fees as fixed by the director of budget, but in no instance higher than provided by law. He may print the Washington reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositaries approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: *Provided*, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state

and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund, after quarterly audits which shall be conducted by the director of budget: *Provided*, That a reasonable sum to be determined by the governor, the public printer, and the director of budget shall be retained in the fund for working capital for the public printer. Copies of the audits shall be furnished to the governor and state treasurer as soon as completed.

RCW 43.31.030 amended.

SEC. 6. Section 3, chapter 215, Laws of 1957, and RCW 43.31.030 are each amended to read as follows:

Director of commerce and economic development
~~—Appointment~~
~~—Salary.~~

The executive head of the department shall be the director of commerce and economic development. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040.

RCW 43.66.010 amended.

SEC. 7. Section 63, chapter 62, Laws of 1933 extraordinary session, as last amended by section 8, chapter 5, Laws of 1949, and RCW 43.66.010 are each amended to read as follows:

Liquor control board
~~—Creation~~
~~—Salary of members.~~

There shall be a board, known as the "Washington state liquor control board," consisting of three members, to be appointed by the governor, with the consent of the senate, who shall each be paid an annual salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The governor may, in his discretion, appoint one of the members as chairman of the board, and a majority of the members shall constitute a quorum of the board.

SEC. 8. Section 51.52.010, chapter 23, Laws of 1961 and RCW 51.52.010 are each amended to read as follows:

RCW 51.52.010 amended.

There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in extrahazardous employment and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers engaged in extrahazardous industry, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers who are substantial contributors to the industrial insurance and accident fund. The initial terms of office of the members of the board shall be for six, four, and two years respectively.

Board of industrial insurance appeals.

Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Members shall devote their entire time to the duties of the board and shall receive for their services a salary as fixed

by the governor in accordance with the provisions of RCW 43.03.040 which shall be in addition to reasonable travel allowance. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

RCW 77.04.060
amended.

SEC. 9. Section 77.04.060, chapter 36, Laws of 1955, as amended by section 1, chapter 352, Laws of 1955, and RCW 77.04.060 are each amended to read as follows:

Game
commission
~~—Meetings—~~
~~—Officers—~~
Selection of
director—
Compensation
~~—Report—~~
Office.

The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040. The said director shall be ex officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Each member of the commission shall receive twenty-five dollars for each day actually spent in the

performance of his duties and his actual necessary traveling and other expenses in connection therewith, including all expenses in going to, attending, and returning from meetings of the commission: *Provided*, That such expenses shall not exceed fifteen dollars per diem exclusive of necessary traveling expenses, not to exceed eight cents per mile.

The commission shall, on or before the last Monday of October in each odd-numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

The commission shall maintain its offices in the principal office of the department of game.

SEC. 10. Section 12, chapter 247, Laws of 1951, as amended by section 31, chapter 172, Laws of 1957, and RCW 43.27.180 are each amended to read as follows:

RCW 43.27.180
amended.

The salary of the director of highways shall be as fixed by the governor in accordance with the provisions of RCW 43.03.040.

Director of
highways—
Salary.

Note: See also section 47.01.140, chapter 13, Laws of 1961.

Sec. 11. Section 4, chapter 165, Laws of 1947, and RCW 14.04.040 are each amended to read as follows:

A director of aeronautics shall be appointed by the commission and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of the powers and duties duly vested in and imposed upon him. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation, or employment, nor shall he have any pecuniary interest in or any stock in or bonds of any civil aeronautics enterprise. He shall receive a salary as fixed by the governor in accord-

Vetoed.

ance with the provisions of RCW 43.03.040 and shall be reimbursed for all traveling and other expenses incurred by him in the discharge of his official duties.

He shall be the executive officer of the commission and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state relative to aeronautics. He shall attend, but not vote at, all meetings of the commission. He shall be in charge of the offices of the commission and responsible to the commission for the preparation of reports and the collection and dissemination of data and other public information relating to aeronautics. At the direction of the commission, he shall, together with the chairman of the commission, execute all contracts entered into by the commission.

Vetoed.

The director shall appoint, subject to the approval of the commission such experts, field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the commission and for whose services funds have been appropriated.

The commission may, by written order filed in its office, delegate to the director any of the powers or duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the commission.

RCW 43.51.060 amended.

SEC. 12. Section 5, chapter 271, Laws of 1947, as amended by section 3, chapter 391, Laws of 1955, and RCW 43.51.060 are each amended to read as follows:

State parks and recreation commission— Powers— Director of parks and recreation.

The commission may: (1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts,

bequests, devises and endowments for purposes in keeping with such purposes;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge such fees for services, utilities, and use of facilities as the commission shall deem proper. All fees received by the commission shall be deposited with the state treasurer in the state parks and parkway fund;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed ten years; and

(8) Determine the qualifications of and employ a director of parks and recreation who shall receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040, and upon his recommendation, a supervisor of recreation, and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof;

(9) Without being limited to the powers hereinbefore enumerated, the commission shall have such other powers as in the judgment of a majority of its members are deemed necessary to effectuate the purposes of this chapter: *Provided*, That the com-

mission shall not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

RCW 43.61.020 amended.

SEC. 13. Section 2, chapter 110, Laws of 1947, and RCW 43.61.020 are each amended to read as follows:

Veterans' rehabilitation council—
Chairman—
Director—
Offices—
Quorum.

The council shall select one of its number as chairman. The council shall employ a director, who shall serve as executive officer of the council and who shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040, and shall employ such additional persons as may be necessary to carry out the provisions of this chapter. The council shall maintain an office at the state capital but shall have power to meet at such other places as it may provide by resolution from time to time. A majority of the members shall constitute a quorum.

Passed the House March 4, 1961.

Passed the Senate March 8, 1961.

Approved by the Governor March 21, 1961, with the exception of Section 11, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message, excerpt.

"This bill increases the Governor's Advisory Committee on salaries from 6 to 7 members. It authorizes the Committee to study the duties of the directors and assistant directors of the various code departments under the jurisdiction of the chief executive. It further authorizes the Committee to study the duties of the executive heads of the various commissions and committees of the State which are salaried. In addition, the Committee is empowered to study the duties of the various elected officials including those of the Supreme and Superior Court judges, and of the members of the Legislature. With reference to the members of the Supreme and Superior Courts, and to the members of the Legislature, the Committee is to report its recommendation to the Governor and to the Legislative Council with recommendations of salaries to be established for their respective positions. The bill further provides that the Governor and the Commissions, respectively, shall not exceed the recommendations of salaries made for any of the positions under the control of the governor or under the control of each of the Commissions.

"Section 11 of this bill amends RCW 14.04.040 which fixes the salary of the Director of Aeronautics. This identical section is being amended by House Bill No. 207 which fixes the maximum salary of the Director of Aeronautics at \$9,500, and makes a change in the duties to be assigned by the Aeronautics Commissioner to the Director of Aeronautics.

"In order to effectuate the intent of the Legislature relative to the

change of duties imposed by House Bill No. 207 upon the Director of Aeronautics, it became necessary for me to veto section 11 of this bill.

"For the reasons indicated, section 11 of this bill is vetoed, and the remainder of this bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 308.

[S. B. 95.]

JOINT COMMITTEE ON URBAN AREA GOVERNMENT.

AN ACT relating to state government; creating a joint committee on urban area government of the legislature; providing for the selection, term, and reimbursement of certain expenditures of the members of the committee, and conferring rights, powers, duties and prescribing the functions of the committee; providing for advisory committees; and declaring an emergency.

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

SECTION 1. As used in this act "committee" means the joint committee on urban area government of the legislature of the state of Washington, and the term "urban area" shall mean incorporated cities and towns and peripheral areas which have become substantially urban in character.

"Committee",
"urban area"
defined.

SEC. 2. There is hereby created the joint committee on urban area government of the legislature of the state of Washington which shall meet, act, and conduct its business at any place within the state of Washington during interim periods prior to the 1963 session of the legislature.

Committee—
Created—
Meeting place.

SEC. 3. The committee shall consist of five senators and five representatives who shall be selected as follows:

Committee
—Members,
selection.

(1) The president of the senate shall nominate five senators to serve on the committee, who shall be residents of urban areas of the state, and shall submit the list of nominees to the senate for confirmation. In the event that the president does not

nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, who shall be residents of urban areas of the state, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members.

Committee—
Members,
political
affiliation.

SEC. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

Committee—
Members,
terms.

SEC. 5. Members shall serve until their successors are installed as provided in section 3 of this act, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Committee—
Vacancies in
membership
filled.

SEC. 6. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in section 3 of this act or until they are no longer members of the legislature, whichever is sooner.

Citizen
advisory sub-
committees.

SEC. 7. The committee shall by majority vote select a chairman, may establish appropriate subcommittees, may prescribe rules of procedure for itself and its subcommittees, and shall create citizen

advisory subcommittees, the members of which shall include residents of

Urban areas of more than five hundred thousand population,

Urban areas of less than five hundred thousand population but more than fifty thousand population, and

Urban areas of less than fifty thousand population. The committee may create such additional citizen advisory subcommittees as it may deem appropriate.

SEC. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation. Committee—
Employees.

SEC. 9. Members of the committee and any of its subcommittees shall receive twenty dollars per diem, and ten cents a mile for travel, while attending sessions of the committee or of its subcommittees. Committee
—Members
per diem,
expenses,
paid by
voucher.

All expenses incurred by the committee or its subcommittees or the members thereof, including salaries of its executive secretary and assistants, shall be paid upon voucher forms signed by the chairman or vice-chairman of the committee. Vouchers may be drawn upon **[funds appropriated generally by the legislature for legislative expenses or upon]* any special appropriation which may be provided by the legislature for the expenses of the committee. *Vetoed.

SEC. 10. Unless otherwise directed by a two-thirds vote of the whole committee, all witnesses shall be examined privately. Witnesses
examined
privately.

SEC. 11. The committee is authorized to ascertain and study laws, facts, trends of urban development and other matters relating to the welfare and government of urban areas of the state including but not limited to: Committee—
Powers and
duties.

(1) Incorporations of and annexations to cities and towns;

(2) The functions and powers of the several agencies of local government and their relationship to each other;

(3) The financial support required to carry out the missions of local government and the sources of such support;

(4) The present and future requirements of the residents of urban areas for governmental services and the local governmental machinery best suited to provide such services;

(5) The proper role of the state in local government affairs and finance.

Committee—
Interagency
cooperation.

SEC. 12. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations.

Legislative
council to
assist
committee.

SEC. 13. The legislative council shall consult with, advise, and assist the committee, recommending areas of study, advising as to organizations and persons suitable for subcommittees, and assisting in research and study of urban problems.

Legislative
council
reimbursed.

SEC. 14. All expenditures of the legislative council incurred in consulting with, advising and assisting the committee shall be paid upon vouchers approved jointly by the chairman of the council and the chairman of the committee from the appropriation herein provided.

Committee—
Report of
findings,
recommendations.

SEC. 15. The committee shall report the findings of its subcommittees to the governor by September, 1962, and shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous ap-

proval, any dissenting members shall have the privilege of submitting minority recommendations.

SEC. 16. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

Gifts, grants and endowments.

SEC. 17. 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 on April 1, 1961: *Provided*, That the members of the committee shall be appointed or elected as provided in section 3 of this act prior to the end of the thirty-seventh regular session of the legislature.

Effective date.

Passed the Senate January 31, 1961.

Passed the House February 16, 1961.

Approved by the Governor February 23, 1961, with the exception of a certain unnumbered item of Section 9, which is vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message, excerpt.

"I disapprove and veto the unnumbered item appearing in the last paragraph of Section 9, of the bill, reading as follows:

'funds appropriated generally by the legislature for legislative expenses or upon'

"For the reason that this item is drawn in such loose language that in effect, the chairman or the vice-chairman respectively, of the proposed committee would have a blank check to invade or even to exhaust funds appropriated by the legislature for other interim committees and other proper legislative expenses during the coming biennium.

"I am wholeheartedly in favor of the remainder of the bill which will establish a joint legislative study and fact-finding interim committee for the purpose of evaluating the existing relationships between numerous municipal and quasi-municipal corporations, in order that during subsequent sessions of the legislature, statutes may be enacted assuring orderly growth of urban and suburban areas.

"Fortunately, Section 9 of this bill contains authorization for proper financing of this committee through means of a specific appropriation. Therefore, the item vetoed will in no way interfere with the desirable objectives of this bill.

"With the exception of the foregoing item which is vetoed, the remainder of Senate Bill No. 95 is approved."

ALBERT D. ROSELLINI,
Governor.

AUTHENTICATION

I, Victor A. Meyers, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Regular Session of the Thirty-Seventh Legislature of the State of Washington, held from January 9, 1961, until March 9, 1961, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of November, 1961.



A handwritten signature in cursive script that reads "Victor A. Meyers".

VICTOR A. MEYERS,
Secretary of State

PREFACE

The Extraordinary Session of the 1961 Legislature convened at Olympia on March 10, 1961 (the day following the adjournment of the Regular Session) at the hour of 10:00 A.M., at the call of Governor Albert D. Rosellini. The special session adjourned three weeks later *sine die* on March 31, 1961.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, on June 30, 1961 (midnight, June 29), except relief bills, appropriations and other acts declaring an emergency.

A handwritten signature in black ink, reading "Victor A. Meyers". The signature is written in a cursive style with a long, sweeping underline.

VICTOR A. MEYERS,
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session 1961

CHAPTER 1.

[S. B. 33.]

APPROPRIATION—LEGISLATORS' SUBSISTENCE.

AN ACT Relating to Legislators' subsistence; making an appropriation; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of **Appropriation.** the state general fund the sum of eighty-one thousand four hundred dollars for payment to members of the legislature in lieu of subsistence and lodging while in attendance at the first extraordinary session of the thirty-seventh legislature.

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

Passed the Senate March 18, 1961.

Passed the House March 18, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 2.

[S. B. 34.]

APPROPRIATION—LEGISLATIVE EXPENSES.

AN ACT Relating to the expenses of the legislature; making appropriations therefor; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of **Appropriation.** the state general fund to the legislature the sum of

one hundred nineteen thousand three hundred seventy dollars, or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than fifty-one thousand six hundred twenty dollars; and

(2) The House of Representatives shall not expend more than sixty-seven thousand seven hundred fifty dollars: *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

Appropriation. SEC. 2. There is hereby appropriated out of the state general fund to the legislature the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the legislature, or either branch thereof.

Appropriation. SEC. 3. There is hereby appropriated out of the state general fund to the legislature the sum of thirty seven thousand dollars, or so much thereof as may be necessary, for printing and publication of the session laws and for supplying codes and supplements to members and officers of the legislature under the provisions of RCW 1.08.070.

Emergency. SEC. 4. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate March 18, 1961.

Passed the House March 18, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 3.

[S. B. 6.]

PUBLIC SCHOOL PLANT FACILITIES—FINANCING.

AN ACT Relating to education; providing funds for the construction of public school plant facilities; authorizing the issuance and sale of limited obligation bonds of the state and providing ways and means to pay said bonds; continuing the imposition of taxes; prescribing the powers and duties of certain officers; making an appropriation; and declaring an emergency.

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

SECTION 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities, there shall be issued and sold, at any time prior to April 1, 1965, limited obligation bonds of the state of Washington in the sum of fifty million seven hundred and fifty thousand dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

Bonds for financing public school plant facilities. Authorized.

Committee to supervise.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in this act provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds

to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

Disposition of
proceeds from
sale of bonds.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of this act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Fund created
—Use.

SEC. 3. The public school building bond redemption fund of 1961 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The state treasurer shall thereupon deposit such amount in the public school building bond redemption fund of 1961 from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against

all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

Method for refunding bonds not exclusive.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Bonds negotiable—Legal investment for public funds.

SEC. 6. For the purpose of carrying out the provisions of this act there is hereby appropriated to the state board of education from the public school building construction account of the general fund the sum of fifty million seven hundred and fifty thousand dollars or so much thereof as may be necessary: *Provided*, That no part of the aforesaid fifty million seven hundred and fifty thousand dollars shall be allotted to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation plus such further amount as may be required by the state

Appropriation.

Requisites for allotments to school districts.

board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Duties of state board of education in allotting funds.

SEC. 7. In allotting the state funds provided by this act, the state board of education shall:

(1) Prescribe rules and regulations governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Standard state board of education to use in allocating funds.

SEC. 8. Allocations to school districts of state funds provided by this act shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The board of directors of the district shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary

architect's fees, and a reasonable amount for contingencies and for other necessary incidental expenses: *Provided*, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state board of education shall compute the ratio of the assessed valuation of the district, adjusted in accordance with the ratio of assessed valuation to actual valuation fixed by the state board of equalization for the county to which the district belongs, to the maximum number of educational units allowable to the district under state board of education regulations governing apportionment of current state school funds: *Provided*, That this number of units may be increased by the state board of education for the use thereof specified in this act, upon the finding of said board that completion of the proposed project will provide facilities for additional units and that such additional units will be needed to serve the school population of the district.

(3) The ratio of the adjusted valuation of the district to the number of educational units thereof, computed in the manner hereinabove provided for, shall then be used in determining the percentage of state assistance for the district in accordance with the following table:

Ratio of adjusted valuation to number of educational units	Percentage of state assistance
\$10,520 or less to 1	90.0%
15,000 to 1	86.0
20,000 to 1	81.8
25,000 to 1	77.7
28,570 to 1	75.0
30,000 to 1	73.9
35,000 to 1	70.2
40,000 to 1	66.7
45,000 to 1	63.3

50,000 to 1	60.0
55,000 to 1	56.9
60,000 to 1	53.8
65,000 to 1	50.9
70,000 to 1	48.1
75,000 to 1	45.5
80,000 to 1	42.9
85,000 to 1	40.4
90,000 to 1	37.9
95,000 to 1	35.6
100,000 to 1	33.3
105,000 to 1	31.1
110,000 to 1	29.0
115,000 to 1	27.0
120,000 to 1	25.0
130,000 to 1	21.2
140,000 to 1	17.6
150,000 to 1	14.3
160,000 to 1	11.1
170,000 to 1	8.1
180,000 to 1	5.3
190,000 to 1	2.6
200,000 to 1 .....	.....

Provided, That in the event the percentage of state assistance to any school district based on the above table is less than twenty percent and such school district is otherwise eligible for state assistance under this act, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: *Provided*, That need therefor has been established to the satisfaction of

the state board of education: *Provided, further,* That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden and excessive past or clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1961, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose; or (d) conditions similar to those defined under (a), (b), and (c) hereinabove, creating a like emergency.

SEC. 9. Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of section 6 of this act respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital

Allocation of funds, taxable valuation and percentage of state assistance used in determining.

funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: *Provided*, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: *Provided further*, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering RCW 28.56 to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Additional allotments, when—Maximum.

SEC. 10. If a school district which has qualified for an allotment of state funds under the provisions of this act for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under section 8 of this act, an additional allotment may be made to such district: *Provided*, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or

through a reduction in school housing requirements, or for any combination of these reasons, the amount of such additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

SEC. 11. In determining the eligibility of a union high school district for state assistance in providing high school facilities and facilities for the operation of thirteenth and fourteenth year programs authorized by law, the requirements of this act respecting the amount of funds to be provided by a school district in order to qualify for an allotment of state funds shall be deemed to have been met if the total amount of funds provided by the union high school district and by the elementary school district components thereof for school building construction purposes is equivalent to ten percent of the taxable valuation of the union high school district plus such further amount as may be required by the state board of education: *Provided*, That nothing herein shall relieve any such school district from compliance with the provisions of section 10 of this act. For the purpose of providing funds for financing the construction and equipment of facilities of the type hereinbefore designated the board of directors of the union high school district and the board of directors of each elementary school district component thereof may submit to the voters of the district a proposal or proposals for providing capital funds through the issuance of bonds or through authorization of an excess tax levy. The proceeds of any such bond issue or excess tax levy shall be credited to the building fund of the union high school district and shall be expended to pay the cost of

Standard for determining allotment for union high school district.

constructing and equipping facilities of the type aforesaid and not otherwise.

An elementary school district component of a union high school district shall be deemed to have met the requirements of this act, if such elementary school district has provided funds for financing the estimate of both union high school district and elementary school district construction facilities in an amount equivalent to ten percent of its taxable valuation plus such further amount as may be required by the state board of education.

Applications by school districts for allotments made to superintendent. Surveys to be conducted.

SEC. 12. All applications by school districts for state assistance in providing school plant facilities shall be made to the superintendent of public instruction in conformity with rules and regulations which shall be prescribed by the state board of education. Studies and surveys shall be conducted by the state board for the purpose of securing information relating to (a) the kind and extent of the school plant facilities required and the urgency of need for such facilities in districts that seek state assistance, (b) the ability of such districts to provide capital funds by local effort, (c) the need for improvement of school administrative units and school attendance areas among or within such districts, and (d) any other pertinent matters.

Manual to be prepared—Contents.

SEC. 13. It shall be the duty of the state board of education, in consultation with the Washington state department of health, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative

plan for financing said facilities provided for in this act; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of this act.

SEC. 14. The state board of education shall furnish to school districts seeking state assistance under the provisions of this act consultative and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Consultative service to be provided.

SEC. 15. Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by this act are allotted.

Use of standard construction plans.

SEC. 16. The total amount of bonds authorized for issue under the provisions of this act shall be reduced by the amount of federal funds made available during each biennium for school construction

Bonds authorized to be reduced by amount of federal funds received.

purposes under any applicable federal law. In the event the entire bond issue authorized shall have been sold by the state finance committee, the proceeds in the public school building construction account available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of bonds authorized for issue under this act and/or the total proceeds from the sale thereof shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Severability.

SEC. 17. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such act shall not affect or impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 18, 1961.

Passed the House March 22, 1961.

Approved by the Governor March 28, 1961.

CHAPTER 4.

[S. B. 7.]

UNIVERSITY OF WASHINGTON—CAPITAL
BUDGET FINANCING.

AN ACT Authorizing the issuance of bonds for capital improvement projects at the University of Washington; and declaring an emergency.

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

SECTION 1. For the purpose of providing funds to pay part of the cost of the projects authorized in the 1961-1963 capital budget for the University of Washington, as adopted by the legislature, the board of regents of the University of Washington is hereby authorized to issue bonds pursuant to the general tuition fee bonding authority of the University as set forth in chapter 254, Laws of 1957, as amended by chapter 193, Laws of 1959 and chapter 28.77 RCW, in the total principal sum of not to exceed eight million two hundred and fifty thousand dollars in addition to the general tuition fee bonds heretofore authorized.

Bonds for university purposes authorized.

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

Emergency.

Passed the Senate March 16, 1961.

Passed the House March 22, 1961.

Approved by the Governor March 28, 1961.

CHAPTER 5.

[S. B. 19.]

VITAL STATISTICS.

AN ACT Relating to vital statistics; amending section 57, chapter 7, Laws of 1921 and RCW 43.20.040; section 17, chapter 83, Laws of 1907 as last amended by section 1, chapter 106, Laws of 1951 and RCW 43.20.080; section 20, chapter 83, Laws of 1907 as last amended by section 1, chapter 90, Laws of 1953 and RCW 43.20.090; section 9, chapter 46, Laws of 1949 and RCW 70.08.060; section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 106, Laws of 1951 and RCW 70.58.020; section 18, chapter 83, Laws of 1907 and RCW 70.58.030; section 19, chapter 83, Laws of 1907 as last amended by section 8, chapter 106, Laws of 1951 and RCW 70.58.040; section 12, chapter 83, Laws of 1907 as amended by section 6, chapter 106, Laws of 1951 and RCW 70.58.080; section 2, chapter 167, Laws of 1941 as last amended by section 3, chapter 90, Laws of 1953 and RCW 70.58.120; section 4, chapter 167, Laws of 1941 as last amended by section 4, chapter 90, Laws of 1953 and RCW 70.58.130; section 5, chapter 159, Laws of 1945 and RCW 70.58.150; section 1, chapter 159, Laws of 1945 and RCW 70.58.160; section 2, chapter 159, Laws of 1945 and RCW 70.58.170; section 3, chapter 159, Laws of 1945 as amended by section 5, chapter 188, Laws of 1953 and RCW 70.58.180; section 6, chapter 159, Laws of 1945 and RCW 70.58.200; section 4, chapter 83, Laws of 1907 as amended by section 3, chapter 180, Laws of 1915 and RCW 70.58.230; section 8, chapter 83, Laws of 1907 as amended by section 6, chapter 180, Laws of 1915 and RCW 70.58.240; section 9, chapter 83, Laws of 1907 and RCW 70.58.250; and repealing section 15, chapter 83, Laws of 1907 and RCW 70.58.060; section 13, chapter 83, Laws of 1907 as last amended by section 7, chapter 106, Laws of 1951 and RCW 70.58.090; section 5, chapter 176, Laws of 1943 and RCW 70.58.140; and section 2, chapter 133, Laws of 1939 and RCW 70.58.220; and adding two new sections to chapter 70.58 RCW, and making an effective date.

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

RCW 43.20.040 amended.

SECTION 1. Section 57, chapter 7, Laws of 1921 and RCW 43.20.040 are each amended to read as follows:

The director of health shall appoint the registrar

of vital statistics, who shall be the secretary of the state board of health.

Registrar of
vital statistics
—Other
personnel.

The director may appoint and employ such deputies, scientific experts, sanitary engineers, quarantine officers, and such clerical and other assistants as may be necessary to carry on the work of the department of health.

SEC. 2. Section 17, chapter 83, Laws of 1907 as last amended by section 1, chapter 106, Laws of 1951 and RCW 43.20.080 are each amended to read as follows:

RCW 43.20.080
amended.

The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. He shall carefully examine the certificates received monthly from the local registrars and, if any are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be attached to and filed with the certificate. He shall furnish, arrange, bind, and make a permanent record of the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, and fetal deaths registered.

Duties of
registrar.

SEC. 3. Section 20, chapter 83, Laws of 1907 as last amended by section 1, chapter 90, Laws of 1953 and RCW 43.20.090 are each amended to read as follows:

RCW 43.20.090
amended.

The state registrar shall, upon request, furnish an applicant with a certified copy of the record of any birth, death, or fetal death, registered under the

Certified
copies of birth
or death
certificates—
Fee—
Restrictions.

provision of law, or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate, for the making and certification of which he shall charge a fee of two dollars to be paid by the applicant: *Provided*, That a certified copy of the record of any birth may not disclose the fact of illegitimacy of birth, nor of information from which it can be ascertained, except upon order of the court or in cases where written notice is received from an attorney, court official, or adoption agency that the illegitimate child is to be adopted: *Provided further*, That no fees shall be demanded or required for furnishing certified copy, or copies, of birth, death, or fetal death for use in connection with a claim for compensation or pension pending before the veterans administration.

For any search of the files and the records when no certified copy is made, the state registrar shall be entitled to a fee of two dollars for each hour or fractional part of an hour employed in such search, to be paid by the applicant.

The state department of health shall keep a true and correct account of all fees received and turn the same over to the state treasurer on or before the first day of January, April, July and October.

Health officers in cities of the first class may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, and shall be entitled to charge for searching of records when no certified copy is made the same fee as hereinabove provided. All such fees collected shall be paid to the jurisdictional health department: *Provided*, That health officers of cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or a copy of the original certificate

transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Health officers of counties or districts normally served by full time health officers may, upon request, furnish certified copies of the records of birth, death, and fetal death, and shall charge the same fee as hereinabove provided, during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. All such fees collected shall be paid to the jurisdictional health department. Certified copy forms used by health officers furnishing certified copies while the original records are temporarily in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

SEC. 4. Section 9, chapter 46, Laws of 1949 and RCW 70.08.060 are each amended as follows:

The director of public health under this chapter shall be registrar of vital statistics for all cities and counties under his jurisdiction and shall conduct such vital statistics work in accordance with the same laws and/or rules and regulations pertaining to vital statistics for a city of the first class.

Director as registrar of vital statistics.

SEC. 5. Section 3, chapter 83, Laws of 1907 as last amended by section 5, chapter 106, Laws of 1951 and RCW 70.58.020 are each amended as follows:

Under the direction and control of the state registrar, the health officer of each city of the first class shall be the local registrar in and for the primary registration district under his supervision as health officer and the health officer of each county and district health department normally served by a full-time health officer shall be the local registrar in and for the registration area which he supervises as health officer and shall serve as such as long as he performs the registration duties as prescribed by law. He may be removed as local registrar of the

RCW 70.58.020 amended.

Local registrars —Deputies.

registration area which he serves by the state board of health upon its finding of evidence of neglect in the performance of his duties as such registrar. The state registrar shall appoint local registrars for those registration areas not included in the foregoing and also in areas where the state board of health has removed the health officer from this position as registrar.

Each local registrar, subject to the approval of the state registrar, shall appoint in writing a sufficient number of deputy registrars to administer the laws relating to vital statistics, and shall certify the appointment of such deputies to the state registrar. Deputy registrars shall act in the case of absence, death, illness or disability of the local registrar, or such other conditions as may be deemed sufficient cause to require their services.

RCW 70.58.030
amended.

SEC. 6. Section 18, chapter 83, Laws of 1907 and RCW 70.58.030 are each amended to read as follows:

Duties of local
registrars.

The local registrar shall supply blank forms of certificates to such persons as require them. He shall carefully examine each certificate of birth, death, and fetal death when presented for record, and see that it has been made out in accordance with the provisions of law and the instructions of the state registrar. If any certificate of death is incomplete or unsatisfactory, he shall call attention to the defects in the return, and withhold issuing the burial-transit permit until it is corrected. If the certificate of death is properly executed and complete, he shall issue a burial-transit permit to the funeral director or person acting as such. If a certificate of a birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall sign his name as local registrar to each certificate filed in attest of the date of filing in his office. He shall make a record of each birth, death, and

fetal death certificate registered by him in such manner as directed by the state registrar. He shall on or before the tenth day of each month, transmit to the state registrar all original certificates registered by him during the preceding month. If no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the state registrar, on a card provided for this purpose: *Provided*, That in cities of the first class the city health officer may require the filing of two original certificates and may retain one of the duplicate original certificates as the city record.

SEC. 7. Section 19, chapter 83, Laws of 1907 as last amended by section 8, chapter 106, Laws of 1951 and RCW 70.58.040 are each amended as follows:

RCW 70.58.040 amended.

A local registrar shall be paid the sum of one dollar for each birth, death, or fetal death certificate registered for his district, which sum shall cover making out the burial-transit permit and record of the certificate to be filed and preserved in his office. If no births or deaths were registered during any month, the local registrar shall be paid the sum of one dollar for each report to that effect: *Provided*, That all local health officers who are by statute required to serve as local registrars shall not be entitled to the fee of one dollar. Neither shall any members of their staffs be entitled to the above fee of one dollar when such persons serve as deputy registrars. All fees payable to local registrars shall be paid by the treasurer of the county or city, properly chargeable therewith, out of the funds of the county or city, upon warrants drawn by the auditor, or other proper officer of the county or city. No warrant shall be issued to a local registrar except upon a statement, signed by the state registrar, stating the names and addresses respectively of the local registrars entitled to fees from the county or city, and the number of certificates and reports of

Compensation of local registrars.

births, deaths, and fetal deaths, properly returned to the state registrar, by each local registrar, during three preceding calendar months prior to the date of the statement, and the amount of fees to which each local registrar is entitled, which statement the state registrar shall file with the proper officers during the months of January, April, July, and October of each year. Upon filing of the statement the auditor or other proper officer of the county or city shall issue warrants for the amount due each local registrar.

RCW 70.58.080
amended.

SEC. 8. Section 12, chapter 83, Laws of 1907 as amended by section 6, chapter 106, Laws of 1951 and RCW 70.58.080 are each amended as follows:

Birth
certificates.

The attending physician or midwife shall file a certificate of birth, properly and completely filled out, giving all of the particulars required, with the local registrar of the district in which the birth occurred, within ten days after the birth. If there is no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of the public or private institution in which the birth occurred, shall notify the local registrar, within ten days after the birth, of the fact of the birth, and the local registrar shall secure the necessary information and signature to make a proper certificate of birth.

When an infant is found for whom no certificate of birth is known to be on file, a birth certificate shall be filed within the time and in the form prescribed by the state board of health.

When no putative father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate "None Named".

SEC. 9. Section 2, chapter 167, Laws of 1941 as

last amended by section 3, chapter 90, Laws of 1953 and RCW 70.58.120 are each amended as follows: RCW 70.58.120 amended.

The delayed registration of birth form shall be provided by the state registrar and shall be signed by the registrant if of legal age, or by the attendant at birth, parent, or guardian if the registrant is not of legal age. In instances of delayed registration of birth where the person whose birth is to be recorded is four years of age or over but under twelve years of age and in instances where the person whose birth is to be recorded is less than four years of age and the attending physician is not available to make the registration, the facts concerning date of birth, place of birth, and parentage shall be established by at least one piece of documentary evidence. In instances of delayed registration of birth where the person whose birth is to be recorded is twelve years of age or over, the facts concerning date of birth and place of birth shall be established by at least three documents of which only one may be an affidavit. The facts concerning parentage shall be established by at least one document. Documents, other than affidavits, or documents established prior to the fourth birthday of the registrant, shall be at least five years old or shall have been made from records established at least five years prior to the date of application. Delayed registration of births. Authorized.

SEC. 10. Section 4, chapter 167, Laws of 1941 as last amended by section 4, chapter 90, Laws of 1953 and RCW 70.58.130 are each amended as follows: RCW 70.58.130 amended.

The birth shall be registered in the records of the state registrar. A certified copy of the record shall be prima facie evidence of the facts stated therein. —Where registered—Copy as evidence.

SEC. 11. Section 5, chapter 159, Laws of 1945 and RCW 70.58.150 are each amended as follows: RCW 70.58.150 amended.

A fetal death means any product of conception that shows no evidence of life after complete expulsion. "Fetal death", "evidence of life" defined.

sion or extraction from its mother. The words "evidence of life" include breathing, beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

RCW 70.58.160
amended.

SEC. 12. Section 1, chapter 159, Laws of 1945 and RCW 70.58.160 are each amended as follows:

Certificate of
death or
fetal death.
Filing
required.

A certificate of every death or fetal death shall be filed with the local registrar of the district in which the death or fetal death occurred within three days after the occurrence is known, or if the place of death or fetal death is not known, then with the local registrar of the district in which the body is found within twenty-four hours thereafter. In every instance a certificate shall be filed prior to the interment or other disposition of the body: *Provided*, That a certificate of fetal death shall not be required if the period of gestation is less than twenty weeks.

RCW 70.58.170
amended.

SEC. 13. Section 2, chapter 159, Laws of 1945 and RCW 70.58.170 are each amended as follows:

—By whom
filed.

The funeral director or person in charge of interment shall file the certificate of death or fetal death. In preparing such certificate, the funeral director or person in charge of interment shall obtain and enter on the certificate such personal data as the certificate requires from the person or persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased, or, if the deceased died without medical attendance, to the health officer, coroner, or prosecuting attorney having jurisdiction, who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish.

SEC. 14. Section 3, chapter 159, Laws of 1945 as amended by section 5, chapter 188, Laws of 1953 and RCW 70.58.180 are each amended as follows:

RCW 70.58.180 amended.

If the death occurred without medical attendance, the funeral director or person in charge of interment shall notify the coroner, or prosecuting attorney if there is no coroner in the county. If the circumstances suggest that the death or fetal death was caused by unlawful or unnatural causes or if there is no local health officer with jurisdiction, the coroner, or if none, the prosecuting attorney shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death. In case of any death without medical attendance in which there is no suspicion of death from unlawful or unnatural causes, the local health officer or his deputy, the coroner and if none, the prosecuting attorney, shall complete and sign the certification, noting upon the certificate that no physician was in attendance at the time of death, and noting the cause of death without the holding of an inquest or performing of an autopsy or post mortem, but from statements of relatives, persons in attendance during the last sickness, persons present at the time of death or other persons having adequate knowledge of the facts.

—Certificate when no physician in attendance—
Legally accepted cause of death.

The cause of death, the manner and mode in which death occurred, as noted by the coroner or if none, the prosecuting attorney or the health officer and incorporated in the death certificate filed with the bureau of vital statistics of the board of health shall be the legally accepted manner and mode by which the deceased came to his or her death and shall be the legally accepted cause of death.

SEC. 15. Section 6, chapter 159, Laws of 1945 and RCW 70.58.200 are each amended to read as follows:

RCW 70.58.200 amended.

The forms of birth, death, and fetal death certificates shall include as a minimum the items re-

Forms of
birth, death
and fetal
death
certificates.

quired by the respective standard certificate as recommended by the federal agency responsible for national vital statistics subject to approval of and modification by the Washington state board of health. The Washington state board of health by regulation may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate file together with the item pertaining to illegitimacy and shall not be subject to the view of the public or for certification purposes except upon order of a court.

RCW 70.58.230
amended.

SEC. 16. Section 4, chapter 83, Laws of 1907 as amended by section 3, chapter 180, Laws of 1915 and RCW 70.58.230 are each amended to read as follows:

Burial, disin-
terment or
removal per-
mits required.

It shall be unlawful for any person to inter, deposit in a vault, grave, or tomb, cremate or otherwise dispose of, or disinter or remove from one registration district to another, or hold for more than seventy-two hours after death, the body or remains of any person whose death occurred in this state or any body which shall be found in this state, without obtaining, from the local registrar of the district in which the death occurred or in which the body was found, a permit for the burial, disinterment, or removal of such body: *Provided*, That a licensed funeral director or embalmer of this state may remove a body from the district where the death occurred to another registration district without having obtained a permit but in such cases the funeral director or embalmer shall at the time of removing a body file with or mail to the local registrar of the district where the death occurred a notice of removal upon a blank to be furnished by the state registrar. The notice of removal shall be signed by the funeral director or embalmer and shall contain the name and address of the local

registrar with whom the certificate of death will be filed and the burial-transit permit secured. Every local registrar, accepting a death certificate and issuing a burial-transit permit for a death that occurred outside his district, shall be entitled to a fee of one dollar to be paid by the funeral director or embalmer at the time the death certificate is accepted and the permit is secured. It shall be unlawful for any person to bring into or transport within the state or inter, deposit in a vault, grave, or tomb, or cremate or otherwise dispose of the body or remains of any person whose death occurred outside this state unless such body or remains be accompanied by a removal or transit permit issued in accordance with the law and health regulations in force where the death occurred, or unless a special permit for bringing such body into this state shall be obtained from the state registrar.

SEC. 17. Section 8, chapter 83, Laws of 1907 as amended by section 6, chapter 180, Laws of 1915 and RCW 70.58.240 are each amended to read as follows:

**RCW 70.58.240
amended.**

Each funeral director or person acting as such shall obtain a certificate of death and file the same with the local registrar, and secure a burial-transit permit, prior to any permanent disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them. He shall present the certificate to the attending physician or in case the death occurred without any medical attendance, to the proper official for certification for the medical certificate of the cause of death and other particulars necessary to complete the record. He shall supply the information required relative to the date and place of disposition and he shall present the completed certificate to the local registrar, for the issuance of a burial-transit permit. He shall deliver the burial permit to the sexton, or person in charge of the place of burial,

**Duties of
funeral
directors.**

before interring the body; or shall attach the transit permit to the box containing the corpse, when shipped by any transportation company, and the permit shall accompany the corpse to its destination.

RCW 70.58.250 amended.

SEC. 18. Section 9, chapter 83, Laws of 1907 and RCW 70.58.250 are each amended to read as follows:

Burial-transit permit—
Requisites.

The burial-transit permit shall contain a statement by the local registrar and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the body; stating the name of the deceased and other necessary details upon the form prescribed by the state registrar.

Repeal.

SEC. 19. Section 15, chapter 83, Laws of 1907 and RCW 70.58.060; section 13, chapter 83, Laws of 1907 as last amended by section 7, chapter 106, Laws of 1951 and RCW 70.58.090; section 5, chapter 176, Laws of 1943 and RCW 70.58.140; and section 2, chapter 133, Laws of 1939 and RCW 70.58.220 are each hereby repealed.

New section.

SEC. 20. There is added to chapter 70.58 RCW, a new section to read as follows:

Order to establish record of birth.

When a person alleged to be born in this state is unable to meet the requirements for a delayed registration of birth in accordance with RCW 70.58-.120, he may petition the superior court of the county of residence or of the county of birth for an order establishing a record of the date and place of his birth, and his parentage. The court shall fix a time for hearing the petition, and the state registrar shall be given notice at least twenty days prior to the date set for hearing in order that he may present at the hearing any information he believes will be useful to the court. If the court from the evidence presented to it finds that the petitioner was born in this state, the court shall issue an order to establish a record of birth. This order shall include the birth

data to be registered. If the court orders the birth of a person in this state registered, it shall be registered in the records of the state registrar.

SEC. 21. There is added to chapter 70.58 RCW a new section to read as follows: New section.

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or legitimation shall not be subject to inspection except upon order of a court of competent jurisdiction. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120. New certificate of birth.

SEC. 22. This amendatory act shall take effect on July 1, 1961. Effective date.

Passed the Senate March 19, 1961.

Passed the House March 22, 1961.

Approved by the Governor March 28, 1961.

CHAPTER 6.

[S. B. 12.]

LIQUOR REVOLVING FUND—
ADMINISTRATIVE EXPENSES.

AN ACT Relating to intoxicating liquor; providing for the control and regulation thereof; providing for the disposition of funds; amending section 73, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.060; amending section 66, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.140; amending section 71, chapter 62, Laws of 1933 extraordinary session, as last amended by section 1, chapter 138, Laws of 1937, and RCW 43.66.150; adding three new sections to chapter 62, Laws of 1933 extraordinary session and to chapter 43.66 RCW; repealing sections 74 and 75, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.070 and 43.66.160.

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

RCW 43.66.060
amended.

SECTION 1. Section 73, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.060 are each amended to read as follows:

"Liquor revolving fund"
created.

There shall be a fund, known as the "liquor revolving fund," which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

SEC. 2. Section 66, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.140 are each amended to read as follows:

RCW 43.66.140 amended.

The attorney general shall be the general counsel of the liquor control board and he shall institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of the provisions of this chapter and Title 66.

Duties of attorney general.

He shall assign such assistants as may be necessary to the exclusive duty of assisting the liquor control board in the enforcement of Title 66.

SEC. 3. Section 71, chapter 62, Laws of 1933 extraordinary session, as last amended by section 1, chapter 138, Laws of 1937, and RCW 43.66.150 are each amended to read as follows:

RCW 43.66.150 amended.

The state auditor shall audit the books, records, and affairs of the board annually: *Provided*, That the total annual cost of such audit shall not exceed the sum of ten thousand dollars. The board shall pay to the state treasurer for the credit of the state auditor, out of the liquor revolving fund, the sum of ten thousand dollars a year, or so much thereof as is necessary, to defray the costs of such audits. The board may provide for additional audits by certified public accountants the total annual cost of which shall not exceed the sum of five thousand dollars. All such audits shall be public records of the state. The payment of the audits provided for in this section shall be paid as provided in section 4 of this amendatory act for other administrative expenses.

Annual audit.

SEC. 4. There is added to chapter 62, Laws of 1933 extraordinary session and to chapter 43.66 RCW a new section to read as follows:

New section.

All administrative expenses of the board incurred on and after July 1, 1961 shall be paid from the general fund which shall be reimbursed from the liquor revolving fund at the same time that distributions are made. These administrative expenses shall

Administrative expenses—
Payment of—
—Scope.

include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, annual or other audits, and other general costs of conducting the business of the board. The administrative expenses shall not, however, be deemed to include costs of liquor purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor, packaging and repackaging of liquor, sales tax, and those amounts distributed pursuant to RCW 43.66.080, 43.66.090, 43.66.100, 43.66.110 and 43.66.130.

New section.

SEC. 5. There is added to chapter 62, Laws of 1933 extraordinary session and to chapter 43.66 RCW a new section to read as follows:

Liquor revolving fund moneys and accounts transferred.

On June 30, 1961, the Washington state liquor control board shall deliver and transfer to the state treasurer, as custodian, all moneys and accounts which comprise the liquor revolving fund, except change funds and petty cash, and the state treasurer shall assume custody thereof. All obligations outstanding as of June 30, 1961 shall be paid out of the liquor revolving fund.

Repeal.

SEC. 6. Sections 74 and 75, chapter 62, Laws of 1933 extraordinary session and RCW 43.66.070 and 43.66.160 are each hereby repealed.

SEC. 7. This act shall take effect on June 30, 1961.

Passed the Senate March 18, 1961.

Passed the House March 22, 1961.

Approved by the Governor March 29, 1961.

CHAPTER 7.

[S. B. 4.]

MOTOR VEHICLE EXCISE TAXES AND FEES—
PUGET SOUND RESERVE ACCOUNT.

AN ACT Relating to revenue and taxation; increasing the motor vehicle fuel tax, the use fuel tax and motor vehicle license fees, gross weight fees, fees in lieu of gross weight fees, seating capacity fees, providing for the distribution of said revenues; establishing an urban aid account in the motor vehicle fund; establishing a Puget Sound reserve account; providing for the use of the urban aid account and the Puget Sound reserve account; authorizing investment of the Puget Sount reserve account; amending section 82.36.020, chapter 15, Laws of 1961 and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 and RCW 82.36.100; amending section 82.40.020, chapter 15, Laws of 1961 and RCW 82.40.020; amending section 82.40.290, chapter 15, Laws of 1961 and RCW 82.40.290; amending section 46.68.090, chapter 12, Laws of 1961 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 and RCW 46.68.100; amending section 46.68.110, chapter 12, Laws of 1961 and RCW 46.68.110; amending section 46.68.130, chapter 12, Laws of 1961 and RCW 46.68.130; amending section 46.16.060, chapter 12, Laws of 1961 and RCW 46.16.060; amending section 46.16.065, chapter 12, Laws of 1961 and RCW 46.16.065; amending section 46.16.070, chapter 12, Laws of 1961 and RCW 46.16.070; amending section 46.16.072, chapter 12, Laws of 1961 and RCW 46.16.072; amending section 46.16.120, chapter 12, Laws of 1961 and RCW 46.16.120; amending section 46.44.095, chapter 12, Laws of 1961 and RCW 46.44.095; amending section 46.68.030, chapter 12, Laws of 1961 and RCW 46.68.030; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.44 RCW; repealing section 46.16.067, chapter 12, Laws of 1961 and RCW 46.16.067; repealing section 46.16.074, chapter 12, Laws of 1961 and RCW 46.16.074; repealing section 47.65.010, chapter 13, Laws of 1961 and RCW 47.65.010; repealing section 47.65.020, chapter 13, Laws of 1961 and RCW 47.65.020; repealing section 47.65.050, chapter 13, Laws of 1961 and RCW 47.65.050; repealing section 47.65.110, chapter 13, Laws of 1961 and RCW 47.65.110; providing effective dates; and declaring an emergency.

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

SECTION 1. Section 82.36.020, chapter 15, Laws of

RCW 82.36.020
amended.

1961 and RCW 82.36.020 are each amended to read as follows:

Motor vehicle
fuel tax.
Imposed—Rate
—Allocation
of proceeds.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of seven and one-half cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100; *Provided*, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel. The invoice shall contain a statement that the distributor has assumed the tax thereon. The proceeds of the net gallonage remaining after deduction of one-quarter of one percent as herein provided shall be distributed as follows: Of the seven and one-half cents collected as herein provided, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by section 18 of this amendatory act of 1961, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are

attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

SEC. 2. Section 82.36.100, chapter 15, Laws of 1961 and RCW 82.36.100 are each amended to read as follows:

RCW 82.36.100 amended.

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay a tax of seven and one-half cents for each gallon thereof so sold, distributed, or used in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state.

Tax required of persons not classed as distributors—Duties—Procedure—Penalties.

Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

RCW 82.40.020
amended.

SEC. 3. Section 82.40.020, chapter 15, Laws of 1961 and RCW 82.40.020 are each amended to read as follows:

Use fuel tax.
Imposed—
Rate.

In addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of seven and one-half cents per gallon on the use of fuel by any user thereof.

RCW 82.40.290
amended.

SEC. 4. Section 82.40.290, chapter 15, Laws of 1961 and RCW 82.40.290 are each amended to read as follows:

Revenue to
motor vehicle
fund—
Distribution.

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

The proceeds of the use fuel tax imposed by chapter 82.40 RCW shall be distributed as follows: Of the seven and one-half cents collected, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by section 18 of this amendatory act of 1961, and one-half cent shall be distributed to the cities and towns directly and allo-

cated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

SEC. 5. Section 46.68.090, chapter 12, Laws of 1961 and RCW 46.68.090 are each amended to read as follows:

RCW 46.68.090 amended.

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and use fuel tax shall be first expended for the following purposes:

Motor vehicle fund "net tax amount," how arrived at.

(1) For payment of refunds of motor vehicle fuel tax and use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the state of Washington in the administration of the motor vehicle fuel tax and the use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

RCW 46.68.100 amended.

SEC. 6. Section 46.68.100, chapter 12, Laws of 1961 and RCW 46.68.100 are each amended to read as follows:

Allocation of net tax amount in motor vehicle fund.

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

- (1) To the cities and towns of the state sums equal to eleven and two-tenths percent of the net tax amount to be paid monthly as the same accrues;
- (2) To the counties of the state sums equal to thirty-five percent of the net tax amount to be paid monthly as the same accrues;
- (3) To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-three and eight-tenths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

RCW 46.68.110 amended.

SEC. 7. Section 46.68.110, chapter 12, Laws of 1961 and RCW 46.68.110 are each amended to read as follows:

Distribution of amount allocated to cities and towns.

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

- (1) Three-fourths of one percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;
- (2) The balance remaining to the credit of in-

corporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board.

SEC. 8. Section 46.68.130, chapter 12, Laws of 1961 and RCW 46.68.130 are each amended to read as follows:

RCW 46.68.130 amended.

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are credited to the state patrol highway account and such sums expended pursuant to proper appropriation for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and reappropriation, for state highways and other proper department of highways purposes. Any moneys which shall be deposited in the state patrol highway account which are not appropriated for use by the Washington state patrol or if appropriated shall remain unexpended after the end of the ensuing fiscal biennium shall accrue to the motor vehicle fund for expenditure by the department of highways for highway purposes.

Expenditure of balance of motor vehicle fund.

SEC. 9. Section 46.16.060, chapter 12, Laws of 1961 and RCW 46.16.060 are each amended to read as follows:

RCW 46.16.060 amended.

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of six dollars and ninety cents: *Provided, however,* That the fee for licensing each house moving dollie which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

Vehicle license fee, general —House moving dollies.

RCW 46.16.065 amended.

SEC. 10. Section 46.16.065, chapter 12, Laws of 1961 and RCW 46.16.065 are each amended to read as follows:

Small trailer license fee —Conditions.

In lieu of the fee provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed for the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

RCW 46.16.070 amended.

SEC. 11. Section 46.16.070, chapter 12, Laws of 1961 and RCW 46.16.070 are each amended to read as follows:

Gross license fees on trucks.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck and truck tractor based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 4,000 lbs.	\$ 5.00
4,000 lbs. or more and less than 6,000 lbs.	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.	\$110.00
22,000 lbs. or more and less than 24,000 lbs.	\$145.00
24,000 lbs. or more and less than 26,000 lbs.	\$180.00

26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$340.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 12. Section 46.16.072, Laws of 1961 and RCW 46.16.072 are each amended to read as follows: RCW 46.16.072 amended.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer, semitrailer and pole trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trailers, semitrailers and pole trailers shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040: Gross weight fees on trailers.

Up to 4,000 lbs.	\$ 5.00
4,000 lbs. or more and less than 6,000 lbs.....	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.....	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.....	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.....	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.....	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.....	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.....	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.....	\$110.00
22,000 lbs. or more and less than 24,000 lbs.....	\$145.00
24,000 lbs. or more and less than 26,000 lbs.....	\$180.00
26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$345.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 13. There is added to chapter 46.16 RCW a new section to read as follows: New section.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck or truck tractor which is propelled by steam, electricity, natural gas, diesel Increased fees on trucks propelled other than by gasoline.

oil, butane or propane based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors having an unladen weight of more than four thousand pounds shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 5,000 lbs.	\$ 6.50
5,000 lbs or more and less than 6,000 lbs.....	\$ 12.50
6,000 lbs. or more and less than 8,000 lbs.....	\$ 22.00
8,000 lbs. or more and less than 10,000 lbs.....	\$ 28.00
10,000 lbs. or more and less than 12,000 lbs.....	\$ 37.00
12,000 lbs. or more and less than 14,000 lbs.....	\$ 45.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 55.00
16,000 lbs. or more and less than 18,000 lbs.....	\$ 78.00
18,000 lbs. or more and less than 20,000 lbs.....	\$106.00
20,000 lbs. or more and less than 22,000 lbs.....	\$137.00
22,000 lbs. or more and less than 24,000 lbs.....	\$176.00
24,000 lbs. or more and less than 26,000 lbs.....	\$225.00
26,000 lbs. or more and less than 28,000 lbs.....	\$275.00
28,000 lbs. or more and less than 30,000 lbs.....	\$325.00
30,000 lbs. or more and less than 32,000 lbs.....	\$381.00
32,000 lbs. or more and less than 34,000 lbs.....	\$430.00
34,000 lbs. or more and less than 36,000 lbs.....	\$494.00

RCW 46.16.120 amended.

SEC. 14. Section 46.16.120, chapter 12, Laws of 1961 and RCW 46.16.120 are each amended to read as follows:

Seating capacity fees on stage, for hire vehicles.

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with seating capacity of six or less the sum of fifteen dollars. For auto stages and for hire vehicles whose seating capacity is over six the following fees, in addition to any regular fees for licensing of vehicles, shall be collected upon the scale weight of each such auto stage and for hire vehicle, plus an average load factor of fifty percent

of seating capacity figured at one hundred fifty pounds per seat:

Up to 6,000 lbs.	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.....	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.....	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.....	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.....	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.....	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.....	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.....	\$110.00
22,000 lbs. or more and less than 24,000 lbs.....	\$145.00
24,000 lbs. or more and less than 26,000 lbs.....	\$180.00
26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$340.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 15. Section 46.44.095, chapter 12, Laws of 1961 and RCW 46.44.095 are each amended to read as follows:

RCW 46.44.095 amended.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of sixty dollars for each two thousand pounds of excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

Special permits for oversize or overweight movements.
—Additional gross load
—Fee.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the pay-

ment of a fee of sixty dollars per two thousand pounds in excess weight but not to exceed one hundred and twenty dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after January 1st the fee shall be twenty-five percent of the full annual fee.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the

state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.84 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses for purposes of prorating license fees.

SEC. 16. There is added to chapter 46.44 RCW a New section
new section to read as follows:

As to any such motor truck or truck tractor propelled by steam, electricity, natural gas, diesel oil, butane, or propane the fees for restricted route permits set forth in RCW 46.44.095, including the maximum fee of one hundred and twenty dollars for permits for operation of vehicle combinations, shall be increased in every instance by forty percent thereof. Increased fees on trucks propelled other than by gasoline.

SEC. 17. Section 46.68.030, chapter 12, Laws of 1961 and RCW 46.68.030 are each amended to read as follows: RCW 46.68.030 amended.

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied

Disposition of vehicle license fees—State patrol highway account—Weight control.

by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle license fee of six dollars and ninety cents as provided for in RCW 46.16.060, the state treasurer shall deposit three dollars and fifty cents to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Puget Sound reserve account. Created—Use.

SEC. 18. There is hereby created in the motor vehicle fund the Puget Sound reserve account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys hereafter deposited in said account shall be used by the Washington toll bridge authority only for the purposes hereinafter set forth.

—Funds transferred from, when.

SEC. 19. Whenever the total balance in the Puget Sound reserve account shall exceed one million dollars, a sum equal to such excess of one million dollars shall be transferred from the Puget Sound reserve account and shall be expended by the state highway commission pursuant to proper appropriation or reappropriation for state highways for other state highway commission purposes.

—Funds from used for enumerated purposes.

SEC. 20. The Puget Sound reserve account shall be used by the Washington toll bridge authority for the following purposes:

The authority may pledge any moneys in the Puget Sound reserve account or to be deposited in said account to guarantee the payment of principal or interest on (1) bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds, or (2) subsequent parity bonds issued to pay costs of improving the Washington state ferry system or constructing additional

transportation facilities for the crossing of any part of Puget Sound other than bridging between the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the authority shall not pledge any moneys in the Puget Sound reserve account to guarantee interest or principal on such parity bonds without further express authorization by legislative act.

The authority may further pledge moneys in the Puget Sound reserve account to meet any sinking fund requirements or reserves established by the authority with respect to any new bond issues provided for in this section.

To the extent of any pledge herein authorized, the authority shall use the first moneys available in the Puget Sound reserve account to meet such obligations as they arise.

SEC. 21. Notwithstanding the provisions of section 19 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the state highway commission for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds or reserves as required by any pledge of the Puget Sound reserve account. Whenever the authority shall have pledged any moneys in said account for the purposes authorized in section 20 of this amendatory act, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and use fuel taxes as provided in sections 1 and 4 of this amendatory act, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

—Restrictions on transfer of funds from—Pledge of tax receipts to.

SEC. 22. Any funds in the Puget Sound reserve account of the motor vehicle fund which are not required by the authority for payment of principal or interest on any bond issues or for any of the other

—Surplus funds, investment authorized.

purposes authorized in section 20, may be invested by the authority, subject to the approval of the highway commission, in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

Severability.

SEC. 23. If any provision of this act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

If any provision of this act shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction then to the extent that it is unconstitutional or ineffective, such provisions shall not be enforced, nor shall such determination be deemed to invalidate the remaining provisions of this act.

Repeal.

SEC. 24. Sections 46.16.067 and 46.16.074, chapter 12, Laws of 1961 and RCW 46.16.067 and 46.16.074 are each repealed.

Repeal.

SEC. 25. Section 47.65.110, chapter 13, Laws of 1961 and RCW 47.65.110 are each repealed.

Repeal.

SEC. 26. Sections 47.65.010, 47.65.020, 47.65.050, chapter 13, Laws of 1961 and RCW 47.65.010, 47.65.020, and 47.65.050 are each repealed.

Emergency—
—Effective
date.

SEC. 27. 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 sections 11 through 25 shall take effect immediately. The increase in fees over existing fees, as prescribed in sections 11 through 14 and 24 shall apply for the period on and after April 1, 1961. The increase in fees over existing fees, as

prescribed in sections 15 and 16 shall apply for the period on and after July 1, 1961.

Sections 1 through 10 shall take effect April 1, 1961.

Section 26 shall take effect July 1, 1961.

Passed the Senate March 24, 1961.

Passed the House March 23, 1961.

Approved by the Governor March 29, 1961.

CHAPTER 8.

[H. B. 22.]

PORT DISTRICTS—LEASES—PERFORMANCE BONDS, SECURITY.

AN ACT Relating to port districts; regulating the lease of property and providing for performance bonds or security; and amending section 9, chapter 65, Laws of 1955, as last amended by section 1, chapter 157, Laws of 1959, and RCW 53.08.080.

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

SECTION 1. Section 9, chapter 65, Laws of 1955, as last amended by section 1, chapter 157, Laws of 1959, and RCW 53.08.080 are each amended to read as follows:

RCW 53.08.080 amended.

A district may lease all lands, wharves, docks, and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: *Provided*, That no lease shall be for a period longer than fifty years, and each lease of real property 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 perform the terms of such lease: *Provided further*, That where the property involved is or is to be devoted to airport

Port districts. Lease of property—Performance bond

purposes and construction work and/or to the construction or maintenance of facilities for the comfort and accommodation of air travelers (but which facilities shall also be open to the general public) or the installation of new facilities is contemplated, the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: *Provided further*, That where the property is held by the district under lease from the United States government or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions thereof permitted by such United States lease, but in any event not to exceed ninety years: *Provided further*, That in a lease the term of which exceeds five years, and when at the option of the port commission it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms 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 commission shall require of the lessee, another or other like bond to be 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 lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

The commission may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory

to the commission, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commission.

Passed the House March 20, 1961.

Passed the Senate March 25, 1961.

Approved by the Governor March 29, 1961.

CHAPTER 9.

[S. B. 3.]

STATE FERRIES AND TOLL BRIDGES— HOOD CANAL—FINANCING.

AN ACT Relating to toll bridges and ferries and the financing thereof; making an appropriation; amending section 3, chapter 10, Laws of 1961 (uncodified); and declaring an emergency.

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

SECTION 1. The Washington toll bridge authority is authorized to issue revenue bonds to refund all or any part of the authority's outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds, and may issue additional revenue bonds in parity therewith to pay costs of improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters and connections thereof other than bridging from the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the toll bridge authority shall not issue any such additional revenue bonds without further express authorization by the legislature. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into

Issuance of
bonds by
toll bridge
authority.
Authorized—
Purpose.

reserves, sinking funds, and the ferry improvement fund established in connection therewith, and the fixing and revision of charges for services and facilities of the system, and in managing all its fiscal operations, the authority shall have all the powers and shall follow the same procedures established for it under existing laws, except as otherwise provided herein.

Ferry im-
provement
fund.

SEC. 2. In the event refunding bonds are issued as provided in section 1 of this act, the authority is hereby directed to establish a fund to be called the "ferry improvement fund" to be used to pay all or any part of the cost of constructing, purchasing, reconstructing, replacing, extending, bettering, developing or otherwise improving any part of the Washington state ferry system.

Into this fund the authority shall place each year such sums as it finds needed for the aforesaid and available from the revenues of the ferry system and Hood Canal bridge after payment of costs of maintenance and operation, bond interest, bond reserve funds, and payments upon principal required during the year by bond resolutions: *Provided*, That not more than two hundred fifty thousand dollars in any year shall be placed in such fund and the amount accumulated in the fund shall not at any time exceed three million dollars.

Charge against
Puget Sound
reserve
account—
Repayment.

SEC. 3. To the extent that all revenues from Washington state ferry system and the Hood Canal bridge available therefor are insufficient to provide for the payment principal and interest on the bonds authorized and issued pursuant to this act and for sinking fund requirements established with respect thereto and for payment into such reserves as the authority shall have established with respect to the securing of such bonds and for payment into the ferry improvement fund, there is hereby imposed a first and prior charge against the Puget Sound re-

serve account of the motor vehicle fund created by *chapter, Laws of 1961, extraordinary session (Senate Bill No.) and, to the extent required, against all revenues hereafter derived from the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account.

To the extent that the revenues from the Washington state ferry system and the Hood Canal bridge available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements and payments into reserves and the payments into the ferry improvement fund provided in section 2 of this act, the authority shall use moneys in the Puget Sound reserve account for such purpose. Any moneys from the Puget Sound reserve account used by the authority to pay such obligations shall be repaid by the authority to the motor vehicle fund from tolls of the Washington state ferry system and the Hood Canal bridge and tolls shall be continued for any required additional length of time necessary for this purpose.

*Said Puget Sound reserve account of the motor vehicle fund was created by section 18, chapter 7, Laws Ex. Session, 1961.

SEC. 4. So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account of the motor vehicle fund.

Pledge of continuance of taxes.

SEC. 5. The Washington state ferry system shall be efficiently managed, operated and maintained as a revenue-producing undertaking. The authority shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge that will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter

Ferry system. Hood Canal bridge administration policies enunciated.

provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements and payments into reserves on all outstanding revenue bonds authorized by this act and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and any other facility hereafter constructed by the authority to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund: *Provided*, That if the net revenue available for debt service in any fiscal year fails to meet such minimum annual debt service requirements for that year, the tolls and charges shall be promptly increased to produce such coverage.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the authority but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

Revision of
tolls and
charges as
covenant for
bondholders.

SEC. 6. If the net revenue together with all moneys in the Puget Sound reserve account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in section 5, the tolls and charges shall be promptly revised to produce such coverage: *Provided*, That in such case revision of tolls and charges shall be determined by the authority after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the authority in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of such engineering firm the increase would so reduce traffic that no net gain

in revenue would result. The provisions of this section shall be deemed a covenant for the benefit of the holders of such bonds.

SEC. 7. Section 3, chapter 10, Laws of 1961 (uncodified) is amended to read as follows: 1961 c 10 § 3 amended.

Any part of the appropriation or reappropriation provided for by this act which is expended shall be repaid to the motor vehicle fund to be used for state highway purposes, from revenues of the Hood Canal bridge. Tolls may be continued on said bridge any required additional length of time necessary for this purpose: *Provided*, That the obligations imposed by this section shall be subordinate to any obligations to pay principal, interest, reserves and sinking funds required for any refunding or parity bonds hereafter issued by the Washington toll bridge authority in connection with the Washington state ferry system and Hood Canal bridge. Appropriation to be repaid from bridge revenues.

SEC. 8. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, the sum of two million six hundred thousand dollars or so much thereof as may be necessary for the operation and maintenance of the Washington state ferries and the payments of principal and interest on outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds and payments into reserves thereof as required by resolutions adopted by the authority with respect to such bond issues. Whenever such bond issues shall be refunded, any unexpended part of this appropriation shall lapse. Appropriation.

SEC. 9. The Washington toll bridge authority shall periodically report to the joint fact-finding committee on highways, streets and bridges its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized Authority to report to committee periodically.

by this act, to the end that the committee may be informed of plans which may affect its recommendations to the legislature.

Emergency.

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

Passed the Senate March 24, 1961.

Passed the House March 23, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 10.

[S. B. 21.]

UNIVERSITY OF WASHINGTON—TUITION AND FEES.

AN ACT Relating to education; authorizing the board of regents of the University of Washington to establish, charge and collect general tuition and other fees from students of the University; and amending section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 186, Laws of 1959, and RCW 28.77.030.

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

RCW 28.77.030 amended.

SECTION 1. Section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 186, Laws of 1959, and RCW 28.77.030 are each amended to read as follows:

University of Washington. Tuition and fees.

The board of regents of the University of Washington shall charge to and collect from each of the students registering therein such general tuition fees and other fees as it shall in its discretion determine: *Provided*, That such fees for quarters other than summer session shall be in at least the following amounts:

- (1) For schools and departments other than the schools of medicine and dentistry, for
 - (a) Resident students

(i) General tuition fees, not less than thirty-five dollars; and

(ii) Other fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: *Provided*, That the total of the general tuition fees together with other fees shall not exceed an amount of three hundred dollars in any one year exclusive of the summer session.

(b) Nonresident students

(i) General tuition fee, not less than one hundred five dollars; and

(ii) Other fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(2) For schools of medicine and dentistry, for

(a) Resident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred dollars; and

(ii) Other fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(b) Nonresident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred sixty-five dollars; and

(ii) Other fees, an amount which, together with such general tuition fee, will be not less than two hundred fifty dollars.

(c) Resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Other fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars.

(d) Nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Other fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children of federal employees residing within the state and children and spouses of staff members of the university. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the university for quarters other than summer session. The term "other fees" shall include all fees for summer sessions, short courses, marine station work, correspondence or extension courses, and individual instruction and student deposit, disciplinary, laboratory, library, law library, gymnasium, health fees, and such other fees as may be established by such board from time to time. Such term "other fees" shall not include fees, charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon.

Passed the Senate March 24, 1961.

Passed the House March 25, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 11.

[S. B. 22.]

WASHINGTON STATE UNIVERSITY—TUITION AND FEES.

AN Act Relating to education; authorizing the board of regents of Washington State University to establish, charge and collect general tuition and other fees from students of the university; providing for the disposition of such fees; amending section 1, chapter 164, Laws of 1921, as last amended by section 1, chapter 73, Laws of 1949, and RCW 28.80.030; and amending section 2, chapter 164, Laws of 1921, as last amended by section 1, chapter 185, Laws of 1935, and RCW 28.80.040.

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

SECTION 1. Section 1, chapter 164, Laws of 1921, as last amended by section 1, chapter 73, Laws of 1949, and RCW 28.80.030 are each amended to read as follows:

RCW 28.80.030 amended.

The board of regents of Washington State University shall charge to and collect from each of the students registering therein such general tuition fee and other fees as it shall in its discrimination determine: *Provided*, That such fees for semesters other than summer session shall be in at least the following amounts:

Washington state university. Tuition and fees.

(1) Resident students

General tuition fee and other fees in an aggregate amount of not less than one hundred five dollars: *Provided*, That the total of the general tuition fees together with other fees shall not exceed an amount of three hundred dollars in any one year exclusive of the summer session.

(2) Nonresident students

General tuition fee and other fees in an aggregate amount of not less than two hundred twenty-five dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the

date of their registration and the children of federal employees residing within the state and children and spouses of staff members of the university. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the university for semesters other than summer session. The term "other fees" shall include all fees for summer sessions, short courses, experimental station work, correspondence or extension courses, and individual instruction and student deposit, disciplinary, laboratory, library, gymnasium, health fees, and such other fees as may be established by such board from time to time. Such term "other fees" shall not include fees, charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon.

RCW 28.80.040
amended.

SEC. 2. Section 2, chapter 164, Laws of 1921, as last amended by section 1, chapter 185, Laws of 1935, and RCW 28.80.040 are each amended to read as follows:

Disposition
of fees.

Within thirty-five days from the date of collection thereof, all such general tuition fees shall be paid into the state treasury and credited to the Washington State University building account until June 30, 1963 and thereafter as follows: To the Washington State University bond retirement fund, one-half of such general tuition fees or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond

retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on tuition fee bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

SEC. 3. Upon and after the effective date of this act the account within the general fund in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law.

Fund name
changed.

Passed the Senate March 24, 1961.

Passed the House March 25, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 12.

[S. B. 23.]

WASHINGTON STATE UNIVERSITY—
BUILDINGS—FINANCING.

AN ACT Relating to Washington State University; providing for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities; authorizing the board of regents thereof to construct and finance the same by the issuance of bonds payable from a special fund into which shall be paid certain general tuition fees; creating such special fund; authorizing the board to make certain covenants in such bonds; authorizing the board to accept federal and other grants; authorizing the legislature to provide additional means for raising money for payment of the bonds; authorizing the refunding of such bonds; and relating to tuition fees and other fees and the disposition thereof.

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

SECTION 1. The board of regents of Washington State University is empowered, in accordance with the provisions of this act, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Washington
state univer-
sity buildings
and facilities—
Acquisition—
Financing—
Authorized.

Definitions.

SEC. 2. The following terms, whenever used or referred to in this act, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

"Board".

(1) The word "board" means the board of regents of Washington State University.

"General
tuition fees".

(2) The words "general tuition fees" mean the general tuition fee charged students registering at the university, but shall not mean special tuition or

other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the university, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

(3) The words "bond retirement fund" mean the special fund created by this act, to be known as the Washington State University bond retirement fund. "Bond retirement fund".

(4) The word "bonds" means the bonds payable out of the bond retirement fund. "Bonds".

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds. "Projects".

SEC. 3. In addition to the powers conferred under existing law, the board is authorized and shall have the power: Board powers conferred.

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

(3) Without limitation of the foregoing, to accept grants from the United States government, or any federal or state agency or instrumentality, or any public or private corporation, association, or person to aid in defraying the costs of any such projects.

Financing
by bonds.

SEC. 4. For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

Form of
bonds.

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

(2) Shall be

(a) Either registered or in coupon form; and

(b) Issued in denominations of not less than one hundred dollars; and

(c) Fully negotiable instruments under the laws of this state; and

(d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state

(a) The date of issue; and

(b) The series of the issue and be consecutively numbered within the series; and

(c) That the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this act, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement fund when ordered by the board of regents in the event there is

ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects.

Bond retirement fund created—Moneys credited to.

SEC. 5. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury, the following:

(1) One-half of such general tuition fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remain unpaid, be available solely for the payment thereof except as provided in subdivision (5) of section 6 of this act. As a part of the contract of sale of such bonds, the board shall undertake to

charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.

SEC. 6. The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund.

Board powers incidental to financing through bond issuance.

SEC. 7. The board is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this act for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of Washington State University or the board. The net interest cost to maturity on such

Refunding bonds authorized.

refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the university.

Bonds as
limited
obligation—
Method of
payment
nonexclusive.

SEC. 8. The bonds authorized to be issued pursuant to the provisions of this act shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. This act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Act
concurrent.

SEC. 9. This act is concurrent with other legislation with reference to providing funds for the construction of buildings at Washington State University, and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

Passed the Senate March 24, 1961.

Passed the House March 25, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 13.

[S. B. 24.]

COLLEGES OF EDUCATION—TUITION
AND FEES—FUNDS.

AN ACT Relating to education; authorizing the boards of trustees of the state colleges of education to establish, charge, and collect general tuition and other fees from students of the respective colleges; providing for the disposition of such fees; creating bond retirement funds and capital projects accounts for each college; reenacting matter relating to admission and expulsion; and amending section 3, chapter 85, Laws of 1905, as amended by section 1, chapter 136, Laws of 1921, sections 12 and 13, page 255, Laws of 1909, and RCW 28.81.070 and 28.81.080; and adding a new section to chapter 28.81 RCW.

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

SECTION 1. Section 3, chapter 85, Laws of 1905, as amended by section 1, chapter 136, Laws of 1921, and sections 12 and 13, page 255, Laws of 1909 (heretofore divided, combined and codified as RCW 28.81.070 and 28.81.080) are amended to read as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 28.81.070) No person shall be admitted to any state college of education as a student who has not attained the age of sixteen years, if a male, or fifteen years if a female, nor until by an entrance examination or otherwise he has established the fact that he is qualified to enter some one of the grades or courses provided for, in the course of study.

RCW 28.81.070
enacted
without
amendment.

All persons seeking admission to a state college of education must furnish satisfactory evidence of good moral character, and any student may be suspended or expelled who is found to be immoral or guilty of an infraction of the regulations of the institution.

SEC. 3. (RCW 28.81.080) The boards of trustees of Eastern Washington State College, Central Wash-

RCW 28.81.080
amended.
Colleges of
education.
Tuition
and fees.

ington State College, and Western Washington State College shall, upon and after September 1, 1961, charge to and collect from each of the students registered at the respective colleges such general tuition fee and other fees as each such board shall in its discretion determine: *Provided*, That such fees for quarters other than summer session shall be in at least the following amounts:

(1) Resident students

(a) General tuition fee, not less than fifteen dollars; and

(b) Other fees, an amount which, together with such general tuition fee will be not less than fifty dollars: *Provided*, That the total of the tuition fees together with other fees shall not exceed an amount of two hundred and thirty dollars in any one year exclusive of the summer session.

(2) Nonresident students

(a) General tuition fee, not less than forty-five dollars; and

(b) Other fees, an amount which, together with such general tuition fee, will be not less than eighty dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children of federal employees residing within the state and children and spouses of staff members of the colleges. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fee" as used in this section shall mean the general tuition fee charged students registered at each college for quarters other than summer sessions. The term "other fees" shall include all fees for summer sessions, short courses, correspondence or extension courses, and individual instruction and student deposit, disciplinary, lab-

oratory, library, gymnasium, health fees, and such other fees as may be established by each such board from time to time. Such term "other fees" shall not include fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of each college, heretofore or hereafter acquired, constructed, or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon.

SEC. 4. There is added to chapter 28.81 RCW a new section. to read as follows:

Within thirty-five days from the date of collection thereof all general tuition fees of each such college shall be paid into the state treasury and credited as follows:

(1) On or before June 30th of each year the board of trustees of each college issuing bonds payable out of its general tuition fees shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each college shall be a prior lien and charge against all general tuition fees of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, or the Western Washington State College bond retirement fund respectively, which funds are hereby created in the state treasury. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on the tuition fee bonds issued by such colleges as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is

New section.

Disposition of general tuition fees.

insufficient to pay and secure the payment of the principal of and interest on the outstanding general tuition fee bonds of its college, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All general tuition fees not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of general tuition fee bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, or the Western Washington State College capital projects account respectively, which accounts are hereby created in the general fund of the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights of way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

Passed the Senate March 24, 1961.

Passed the House March 25, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 14.

[S. B. 25.]

COLLEGES OF EDUCATION—BUILDINGS—
FINANCING.

AN ACT Relating to the State Colleges of Education; providing for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities; authorizing the boards of trustees thereof to construct and finance the same by the issuance of bonds payable from special funds into which shall be paid certain general tuition fees, authorizing the boards to make certain covenants in such bonds; authorizing the boards to accept federal and other grants; authorizing the legislature to provide additional means for raising money for payment of the bonds; authorizing the refunding of such bonds; and relating to tuition fees and other fees and the disposition thereof.

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

SECTION 1. The boards of trustees of Eastern Washington State College, Central Washington State College, and Western Washington State College are empowered in accordance with the provisions of this act, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature for the use of the aforementioned colleges and to finance the payment thereof by bonds payable out of special funds from revenues hereafter derived from the payment of general tuition fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

Colleges of education. Building and facilities—Acquisition—Financing.

SEC. 2. The following terms, whenever used or referred to in this act, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

Definitions.

(1) The word "boards" means the boards of trustees of Eastern Washington State College, Central Washington State College, and Western Washington State College.

"Boards".

"General tuition fees".

(2) The words "general tuition fees" mean the general tuition fees charged students registering at each college, but shall not mean the special tuition or other fees charged such students or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of the respective colleges, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon.

"Bond retirement funds".

(3) The words "bond retirement funds" shall mean the special funds created by law and known as the Eastern Washington State College bond retirement fund, Central Washington State College bond retirement fund, and Western Washington State College bond retirement fund.

"Bonds".

(4) The word "bonds" means the bonds payable out of the bond retirement funds.

"Projects".

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of any of the aforementioned colleges authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Board powers conferred.

SEC. 3. In addition to the powers conferred under existing law, each of the boards is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the college as are authorized by the legislature to be financed by the issuance and sale of bonds.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the general tuition fees.

(3) Without limitation of the foregoing, to ac-

cept grants from the United States government, or any federal or state agency or instrumentality, or private corporation, association, or person to aid in defraying the costs of any such projects.

SEC. 4. For the purpose of financing the cost of any projects, each of the boards is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of the college or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the college by the chairman of the board, attested by the secretary of the board, have the seal of the college impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman and the secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine at an effective rate not to exceed six

Financing
by bonds.

Form of
bonds.

percent per annum over the life thereof, and no single interest or coupon rate shall exceed six percent per annum;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner as the board may prescribe, but never at a price at which the net interest cost over the life thereof shall exceed six percent per annum;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this act, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the general tuition fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the capital projects account of the

college issuing the bonds to the bond retirement fund of such college when ordered by the board of trustees in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds, exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the capital projects account of the college issuing the bonds and shall be used solely for paying the costs of the projects.

SEC. 5. Within thirty-five days from the date of collection thereof, all general tuition fees shall be paid into the state treasury and credited as follows:

Disposition
of general
tuition fees.

(1) On or before June 30th of each year the board of trustees of each college issuing such bonds shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on the same. The amounts so certified shall be a prior lien and charge against all general tuition fees of such college. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, or the Western Washington State College bond retirement fund, respectively. The amounts deposited in the respective bond retirement funds shall be used exclusively to pay and secure the payment of the principal of and interest on such bonds. If in any twelve-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on such bonds, the state treasurer-

er shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on such bonds then outstanding shall be fully met at all times.

(2); All general tuition fees not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of bond principal or interest shall be deposited in the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, or the Western Washington State College capital projects account, respectively. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively for the construction, reconstruction, erection, equipping, maintenance, demolition, and major alteration of buildings and other capital assets and the acquisition of sites, rights of way, easements, improvements, or appurtenances in relation thereto, except for any sums transferred therefrom as authorized in subdivision (3) of section 7 of this act.

Bond retire-
ment funds—
Moneys
credited to.

SEC. 6. For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, there shall be paid into the state treasury and credited to the respective bond retirement fund of each college issuing bonds, the following:

(1) Amounts derived from general tuition fees as the board shall certify as necessary to prevent default in the payments required to be paid into such bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or any interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of such bonds, the board shall undertake to charge and collect general tuition fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay and secure the payment of the principal of, and interest on all such bonds outstanding.

SEC. 7. The board of any such college is hereby empowered:

Board powers incidental to financing through bond issuance.

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the college's capital projects account to the college's bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds.

SEC. 8. Each board of trustees is hereby empowered to issue refunding bonds to provide funds to refund any or all outstanding bonds payable from the bond retirement fund and to pay any redemption premium payable on such outstanding bonds being refunded. Such refunding bonds may be issued in the manner and on terms and conditions and with the covenants permitted by this act for the issuance of bonds. The refunding bonds shall be payable out of the bond retirement fund and shall not constitute an obligation either general or special, of the state or a general obligation of the college of Washington

Refunding bonds authorized.

issuing the bonds or the board thereof. The net interest cost to maturity on such refunding bonds shall not exceed six percent per annum nor shall any single interest or coupon rate exceed six percent per annum. The board may exchange the refunding bonds at par for the bonds which are being refunded or may sell them in such manner as it deems for the best interest of the college.

Bonds as limited obligation—Method of payment nonexclusive.

SEC. 9. The bonds authorized to be issued pursuant to the provisions of this act shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special funds created for their payment. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. This act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide for additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Act concurrent.

SEC. 10. This act is concurrent with other legislation with reference to providing funds for the construction of buildings at the state colleges and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

Passed the Senate March 24, 1961.

Passed the House March 25, 1961.

Approved by the Governor March 30, 1961.

CHAPTER 15.

[S. B. 15.]

BOND ELECTIONS—COUNTY, PORT,
METROPOLITAN PARK DISTRICT.

AN ACT Relating to bond elections; and amending section 1, chapter 13, Laws of 1925, as amended by section 3, chapter 290, Laws of 1959, and RCW 39.40.010.

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

SECTION 1. Section 1, chapter 13, Laws of 1925, as amended by section 3, chapter 290, Laws of 1959, and RCW 39.40.010 are each amended to read as follows: RCW 39.40.010 amended.

No general obligation bonds of any county, port district, or metropolitan park district upon which a vote of the people is required under existing laws shall be issued, nor shall they become a lien upon the taxable property within such county or district unless, in addition to all other requirements provided by law in the matter of the issuance of general obligation bonds by such county or district, the total vote cast upon such proposition shall exceed forty percent of the total number of voters voting in such county or district at the general county or state election next preceeding such bond election. Bond elections —Forty percent poll of voters required.

Passed the Senate March 23, 1961.

Passed the House March 27, 1961.

Approved by the Governor March 31, 1961.

CHAPTER 16.

[S. B. 43.]

TOWNS—VALIDATION OF
INCORPORATION, ANNEXATION.

AN ACT Relating to municipal corporations of the fourth class commonly known as towns, validating certain incorporations thereof and annexations of territory thereto; repealing section 5, chapter 277, Laws of 1961; and declaring an emergency.

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

Incorporations,
annexations,
validated.

SECTION 1. Any incorporation of a municipal corporation of the fourth class and any annexation of territory to a municipal corporation of the fourth class prior to the effective date of this act, which is otherwise valid except for compliance with the limitation to the area of one square mile as prescribed by section 15, page 141, Laws of 1889-90, is hereby validated and declared to be a valid incorporation or annexation in all respects.

Repeal.

SEC. 2. Section 5, chapter 277, Laws of 1961 is hereby repealed.

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 25, 1961.

Passed the House March 26, 1961.

Approved by the Governor March 31, 1961.

CHAPTER 17.

[S. B. 44.]

APPROPRIATION—MALE CORRECTIONAL INSTITUTION.

AN ACT Relating to state government; creating the charitable, educational, penal and reformatory institutions account in the general fund; amending section 3, chapter 170, Laws of 1961 (uncodified), making an appropriation, and declaring an emergency.

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

SECTION 1. Section 3, chapter 170, Laws of 1961 (uncodified), is amended to read as follows: 1961 c 170 § 3 amended.

For the purpose of retiring the bonds issued pursuant to chapter 23, Laws of 1961, first extraordinary session (Senate Bill No. 5) to finance the construction of the correctional institution established by chapter 214, Laws of 1959 (chapter 72.13 RCW), there is appropriated from the charitable, educational, penal and reformatory institutions account of the general fund to the state building construction bond redemption fund created by chapter 298, Laws of 1957, the sum of seven million five hundred thousand dollars, or so much as may be necessary. Appropriation.

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

Passed the Senate March 25, 1961.

Passed the House March 27, 1961.

Approved by the Governor March 31, 1961.

CHAPTER 18.

[S. B. 30.]

WASHINGTON MINIMUM WAGE AND HOUR ACT.

AN ACT Relating to wages and employment; adding two new sections to chapter 294, Laws of 1959 and to chapter 49.46 RCW; and amending sections 1, 2, 12 and 14, chapter 294, Laws of 1959 and RCW 49.46.010, 49.46.020, 49.46.120 and 49.46.910; and repealing sections 3 and 5, chapter 294, Laws of 1959 and RCW 49.46.030 and 49.46.050.

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

New section.

SECTION 1. There is added to chapter 294, Laws of 1959 and to chapter 49.46 RCW a new section to read as follows:

Legislative declaration.

Whereas the establishment of a minimum wage for employees is a subject of vital and imminent concern to the people of this state and requires appropriate action by the legislature to establish minimum standards of employment within the state of Washington, therefore the legislature declares that in its considered judgment the health, safety and the general welfare of the citizens of this state require the enactment of this measure, and exercising its police power, the legislature endeavors by this act to establish a minimum wage for employees of this state to encourage employment opportunities within the state. The provisions of this act are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety and welfare of the people of this state.

RCW 49.46.010 amended.

SEC. 2. Section 1, chapter 294, Laws of 1959 and RCW 49.46.010 are each amended to read as follows:

Minimum wage act. Definitions.

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on

banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director under RCW 49.46.050.

(3) "Employ" includes to suffer or to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b) any individual employed in domestic service in or about a private home;

(c) any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the director);

(d) any individual employed by the United States;

(e) any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously;

(f) any newspaper vendor or carrier;

(g) any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) any individual engaged in forest protection and fire prevention activities;

(i) any individual employed by the state, any county, city or town, municipal corporation or quasi-municipal corporation, political subdivision, or any instrumentality thereof;

(j) any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(k) any individual engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW;

(l) any individual engaged in performing services in a nursing home licensed pursuant to chapter 18.51 RCW;

(m) any individual whose duties require that he reside or sleep at the place of his employment or who otherwise spends a substantial portion of his work time subject to call, and not engaged in the performance of active duties.

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.

SEC. 3. Section 2, chapter 294, Laws of 1959 and RCW 49.46.020 are each amended to read as follows:

RCW 49.46.020 amended.

Every employer shall pay to each of his employees who have reached the age of eighteen years wages at a rate of not less than one dollar and fifteen cents per hour except as may be otherwise provided under this chapter: *Provided*, That beginning the calendar year 1962, the applicable rate under this section shall be one dollar and twenty-five cents per hour.

Minimum hourly wage.

SEC. 4. Section 12, chapter 294, Laws of 1959 and RCW 49.46.120 are each amended to read as follows:

RCW 49.46.120 amended.

This chapter establishes a minimum standard for wages and working conditions of all employees in this state, unless exempted herefrom, and is in addition to and supplementary to any other federal, state, or local law or ordinance, or any rule or regulation issued thereunder. Any standards relating to wages, hours, or other working conditions established by any applicable federal, state, or local law or ordinance, or any rule or regulation issued thereunder, which are more favorable to employees than the minimum standards applicable under this chapter, or any rule or regulation issued hereunder, shall not be affected by this chapter and such other laws, or rules or regulations, shall be in full force and effect and may be enforced as provided by law.

Chapter establishes minimum standards and is supplementary.

SEC. 5. There is added to chapter 294, Laws of 1959 and to chapter 49.46 RCW a new section to read as follows:

New section.

The provisions of RCW 49.46.020, as amended by section 2 of this act, shall not apply to any student enrolled in an institution of higher education who is employed by such institution.

Student exclusion.

RCW 49.46.910
amended.

SEC. 6. Section 14, chapter 294, Laws of 1959 and RCW 49.46.910 are each amended to read as follows:

Short title.

This chapter may be known and cited as the "Washington Minimum Wage Act."

Repeal.

SEC. 7. Sections 3 and 5, chapter 294, Laws of 1959, and RCW 49.46.030 and 49.46.050 are each repealed.

Passed the Senate March 28, 1961.

Passed the House March 27, 1961.

Approved by the Governor March 31, 1961.

CHAPTER 19.

[Sub. S. B. 17.]

APPROPRIATIONS—HIGHWAYS, BRIDGES AND FERRIES.

AN ACT Relating to highways; making appropriations, re-appropriations, and supplemental appropriations for the operation of the state highway commission and the Washington toll bridge authority and declaring an emergency.

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

Reappropriation.

SECTION 1. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of one million four hundred twenty-eight thousand fifty-eight dollars, the same being the December 31, 1960 unexpended balance of the appropriation contained in section 4, chapter 326, Laws of 1959, for construction of roads in Adams, Grant and Franklin counties: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

SEC. 2. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of three million three hundred two thousand nine hundred eighty-one dollars, the same being the December 31, 1960 unexpended balance of the appropriation contained in section 5, chapter 326, Laws of 1959, for the construction of highways on primary state highway No. 1, Snoqualmie Pass, Columbia Basin secondaries, and Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

Reappropriation.

SEC. 3. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of one million nine hundred seventy-two thousand five hundred ten dollars, the same being the unexpended balance of the appropriation contained in section 7, chapter 326, Laws of 1959, for the construction of the Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

Reappropriation.

SEC. 4. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of sixty-five million four hundred thirty-one thousand five hundred fifty dollars, the same being the unexpended balance of the appropriation contained in section 8, chapter 326, Laws of 1959, for construction of the Tacoma-Seattle-Everett freeway: *Provided*, That no expenditure authorized by this

Reappropriation.

section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

Reappropriation.

SEC. 5. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of two hundred forty-three thousand three hundred thirty-two dollars, the same being the unexpended balance of the appropriation contained in section 9, chapter 326, Laws of 1959, for construction of primary state highway No. 1, and Pasco-Kennebeck bridge: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

Appropriation.

SEC. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of forty-six million five hundred thirty-two thousand two hundred thirty-eight dollars, for salaries, wages and operations of the department of highways, including the executive, general and engineering administration: *Provided*, That none of these appropriations or other funds shall be allotted or used for salary increases at any time prior to or in any increment percentage greater than that granted during the biennium to employees of departments or agencies under the department of personnel; the plant operation and maintenance; the planning and research operations, including funds to be expended and reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto, and research and studies approved by the Washington state highway commission and the joint

fact-finding committee on highways, streets and bridges, also expenditures to be reimbursed by agreement with other government and state agencies; the special reimbursable services; the highway maintenance operations, including the repair and maintenance of roadway surfaces, roadside drainage, shoulders and side approaches, roadside development and traffic services, structures and ferries, and emergencies, emergencies being defined as damages to highways, structures, or ferries and/or other conditions involving public safety or welfare which could not with reasonable judgment have been foreseen.

SEC. 7. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid the sum of two hundred sixteen million one hundred eighty-eight thousand five hundred dollars, for buildings and other structures, construction and reconstruction of highways, and designated routes through cities and towns, including location, rights of way, bridges and ferries, and including funds to be expended on and off the state system to be reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto; any other expenditures off the system for which reimbursement is anticipated under agreements, and for emergencies and any other proper highway purpose, emergencies being defined as damages to highways, structures, ferries and/or conditions involving public safety or welfare which could not with the exercise of reasonable judgment have been foreseen. Appropriation.

SEC. 8. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1961, the sum of thirty-one thousand seven hundred Appropriation.

thirty-one dollars and twenty-seven cents. This amount is the expenditures on highway contracts in the Mount Spokane and Fort Simcoe state parks which were not completed as of June 30, 1959 and for which no reappropriation was provided. This section is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions, and shall take effect immediately.

Appropriation. SEC. 9. There is hereby appropriated from the authority revolving fund to the Washington toll bridge authority for the biennium ending June 30, 1963, the sum of three hundred thirteen thousand eight hundred eighty-four dollars to carry out the provisions of RCW 47.60.180 and RCW 47.60.190.

Appropriation. SEC. 10. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963, the sum of five hundred thirty-six thousand one hundred thirty dollars for salaries, wages and operations necessary for the collection of tolls on the Tacoma Narrows bridge. This money is to be considered as a loan and is to be repaid in accordance with RCW 47.56.245.

Appropriation. SEC. 11. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, the sum of one hundred seventy thousand dollars or so much thereof as may be necessary for the completion of the capitol approach road as set forth in section 14, chapter 326, Laws of 1959.

Appropriation. SEC. 12. There is hereby reappropriated from motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of one hundred thousand six hundred forty-three dollars, the same being the January 31, 1961

unexpended balance of the appropriation contained in section 14, chapter 326, Laws of 1959, for the location, purchase of rights of way and constructing an approach road from the state capitol to primary state highway No. 1: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1961.

Sec. 13. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963, the sum of three hundred thousand dollars to carry out the provisions of section 4, chapter 209, Laws of 1961.

Vetoed.

SEC. 14. There is hereby appropriated from the Puget Sound reserve account to the Washington toll bridge authority for the biennium ending June 30, 1963, the sum of one million seven hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of section 3, chapter 9, Laws of 1961, extraordinary session (Senate Bill No. 3).

Appropriation.

SEC. 15. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1961 the sum of three hundred fifty thousand dollars to pay maintenance and operation costs of the Washington state ferry system.

Appropriation.

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

Emergency.

Passed the Senate March 25, 1961.

Passed the House March 27, 1961.

Approved by the Governor April 3, 1961, with the exception of section 13, which is vetoed.

Veto message,
excerpt.

NOTE: Governor's message stating reasons for vetoing section 13 reads as follows:

"Substitute Senate Bill No. 17 makes numerous appropriations and reappropriations to the Washington State Highway Commission and the Washington State Toll Bridge Authority. Chapter 209, Laws of 1961, authorizes the Washington State Highway Commission to enter into an agreement with the State of Oregon for the purpose of constructing a bridge connecting Astoria, Oregon and Megler, Washington.

"Through an inadvertence, section 13 of the bill appropriates \$300,000 from the Motor Vehicle Fund to the Washington Toll Bridge Authority to carry out the provisions of chapter 209, Laws of 1961. This money is to be used by the State of Washington to cover a possible deficit in the event that the revenues derived from the tolls to be imposed on the Astoria-Megler bridge should prove insufficient to meet the required payments of principal, interest and other charges pertaining to the bonds to be issued to finance this project. The sum provided for in section 13 should have been appropriated to the Washington State Highway Commission instead.

"The error in this appropriation has been rectified in Engrossed Senate Bill No. 1 as amended by the Free Conference Committee which appropriates the identical sum to the Washington State Highway Commission to carry out the provisions of section 4, chapter 209, Laws of 1961 relating to the construction of the Astoria-Megler toll bridge.

"For the reasons indicated, section 13 is vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 20.

[S. B. 26.]

COMMUNITY COLLEGES.

AN ACT Relating to powers and duties of boards of directors of school districts operating community colleges; and amending section 5, chapter 198, Laws of 1961 (Senate Bill No. 296).

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

SECTION 1. Section 5, chapter 198, Laws of 1961 (Senate Bill No. 296) is amended to read as follows:

Every board of directors operating a community college, unless otherwise specially provided by law, shall:

(1) Perform all acts necessary or appropriate to the administration of the community college consistent with statutes governing school districts and the regulations of the state board of education;

1961 c 198 § 5
amended.

Community
colleges.
Board of
directors,
duties of.

(2) Employ for a period to be fixed by the board, a president, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate, and fix their salaries and duties;

(3) Discharge for sufficient cause any officer, faculty member or employee;

(4) Construct, equip and operate necessary community college facilities but not to include dormitories;

(5) Promulgate regulations governing the students enrolled in the community college;

(6) Receive such gifts, grants, conveyances, devises and bequests of real and personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state board of education; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(7) Prescribe fees to be paid by students enrolled in the community college, consistent with the regulations of the state board of education: *Provided*, That a tuition fee of not less than eighty dollars per quarter shall be charged each full time student **[and not less than ten dollars per credit hour for each part time student]* who has not been domiciled in this state for a period of one year prior to date of registration;

*Bracketed matter vetoed.

(8) Set up such special accounts with federal, state, county or other funds available for the community college program with the treasurer of the school district for such special purposes as the board deems in the best interest of the community college.

Resident
tuition fee.

SEC. 2. Each full time student registering in a community college who has been domiciled in this state for a period of one year prior to the date of registration shall be charged a tuition fee of ten dollars per quarter.

Emergency.

SEC. 3. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 30, 1961.

Passed the House March 30, 1961.

Approved by the Governor April 3, 1961, with the exception of a certain item in subsection (7) of section 1, which is vetoed.

Veto message,
excerpt.

NOTE: Governor's message stating reasons for vetoing a certain item in subsection (7) of section 1 of this measure reads as follows:

"The final version of this bill constitutes a compromise between the Senate and the House of Representatives arrived at after a Free Conference reported the bill out in its present form. The bill requires the imposition of a tuition fee of \$10 per quarter for resident students at Junior Colleges. It also provides that a tuition fee of not less than \$80 per quarter shall be charged each full time non-resident student.

"Subsection (7), of section 1 of the bill, contains a proviso amending the Junior College bill (Senate Bill No. 296) which passed during the regular session. This proviso states that non-resident full time students shall pay a tuition fee of not less than \$80 per quarter. The proviso also contains the following item:

'and not less than ten dollars per credit hour for each part time student'

Clearly, the requirement of payment of a minimum of \$10 per credit hour for part time non-resident students is unduly excessive and discriminatory to part time non-resident students of such a college. If permitted to stand, this item would mean that a non-resident student taking 14 credit hours would have to pay \$140 per quarter for attending a Junior College. It is my firm conviction that if this item were allowed to stand, many non-resident students who now enroll as part time students at Junior Colleges in the State of Washington would go elsewhere to obtain their Junior College education or the equivalent thereof.

"For the reasons indicated, the item noted above is vetoed; the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 21.

[S. B. 49.]

HIGHWAYS.

AN ACT Relating to public highways; describing powers and duties of the interim committee on highways, streets and bridges, license department and state highway commission; establishing and designating certain highways and alternate routes; providing for surveys and studies of proposed highway additions and toll facilities; prescribing fees, size, weight, load, permits and equipment restrictions for certain motor vehicles; prescribing regulations relating to motor vehicle fuel taxes; amending section 2, chapter 307, Laws of 1961 and RCW 43.03.040; reenacting section 47.01.130, chapter 13, Laws of 1961 and RCW 47.01.130 and repealing section 10, chapter 307, Laws of 1961 and RCW 43.27.180; amending section 12, chapter 7, Laws of 1961 extraordinary session (Senate Bill No. 4) and RCW 46.16.072; amending section 46.16.010, chapter 12, Laws of 1961 and RCW 46.16.010; amending section 46.44.030, chapter 12, Laws of 1961 and RCW 46.44.030; amending section 46.44.045, chapter 12, Laws of 1961 and RCW 46.44.045; amending section 46.44.047, chapter 12, Laws of 1961 and RCW 46.44.047; amending section 46.84.020, chapter 12, Laws of 1961 and RCW 46.84.020; amending section 47.16.010, chapter 13, Laws of 1961 and RCW 47.16.010; amending section 47.16.080, chapter 13, Laws of 1961 and RCW 47.16.080; amending section 47.16.160, chapter 13, Laws of 1961 and RCW 47.16.160; amending section 47.16.190, chapter 13, Laws of 1961 and RCW 47.16.190; amending section 47.20.020, chapter 13, Laws of 1961 and RCW 47.20.020; amending section 47.20.030, chapter 13, Laws of 1961 and RCW 47.20.030; amending section 47.20.090, chapter 13, Laws of 1961 and RCW 47.20.090; amending section 47.20.220, chapter 13, Laws of 1961 and RCW 47.20.220; amending section 47.20.240, chapter 13, Laws of 1961 and RCW 47.20.240; amending section 47.20.330, chapter 13, Laws of 1961 and RCW 47.20.330; amending section 47.20.340, chapter 13, Laws of 1961 and RCW 47.20.340; amending section 47.20.410, chapter 13, Laws of 1961 and RCW 47.20.410; amending section 47.20.430, chapter 13, Laws of 1961 and RCW 47.20.430; amending section 47.20.540, chapter 13, Laws of 1961 and RCW 47.20.540; amending section 47.44.010, chapter 13, Laws of 1961 and RCW 47.44.010; amending section 82.36.210, chapter 15, Laws of 1961 and RCW 82.36.210; amending section 82.36.220, chapter 15, Laws of 1961 and RCW 82.36.220; amending section 43, chapter 319, Laws of 1959 (uncodified); adding two new sections to chapter 46.52 RCW;

repealing section 16, chapter 7, Laws of 1961, extraordinary session (Senate Bill No. 4); adding three new sections to chapter 46.84 RCW; repealing section 47.16.170, chapter 13, Laws of 1961 and RCW 47.16.170; repealing section 47.20.520, chapter 13, Laws of 1961 and RCW 47.20.520; making appropriations; providing effective dates and declaring an emergency.

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

RCW 47.16.010
amended.

SECTION 1. Section 47.16.010, chapter 13, Laws of 1961 and RCW 47.16.010 are each amended to read as follows:

Primary
highway
routes.
No. 1 Pacific
highway.

A primary state highway to be known as primary state highway No. 1, or the Pacific highway, is established as follows: Beginning at the international boundary line in the vicinity of Blaine, in Whatcom county, thence in a southerly direction by way of Bellingham, thence to the east of Lake Samish, thence in a southerly direction by way of Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Centralia, Chehalis, Kelso, and Vancouver to the Washington-Oregon boundary line on the interstate bridge over the Columbia river; also beginning at Bellingham on primary state highway No. 1, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county; also beginning at Bellingham on primary state highway No. 1, thence in a southerly direction by way of Blanchard to a junction with primary state highway No. 1, in the vicinity of Mt. Vernon; also beginning at Mt. Vernon on primary state highway No. 1, thence in a westerly direction to Anacortes; also beginning at Everett in the vicinity of Broadway Avenue, thence in a southwesterly direction to a junction with primary state highway No. 1, in the vicinity south of Everett; also beginning at a junction of primary state highway No. 1 south of Marysville to Marysville; also beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northeasterly direction to Renton, thence

northerly east of Lake Washington to primary state highway No. 1 north of Seattle; and also until the federal aid interstate route No. 1 through Seattle is open to through traffic, beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northwesterly direction west of the Duwamish river to Seattle, also beginning at Seattle on primary state highway No. 1, thence via the Evergreen Point bridge to a junction with primary state highway No. 1 east of Lake Washington; also beginning on primary state highway No. 1 in the vicinity of Salmon Creek, north of Vancouver, thence in a southeasterly direction to the Washington-Oregon boundary line in the vicinity east of Vancouver.

SEC. 2. Section 47.16.080, chapter 13, Laws of 1961 and RCW 47.16.080 are each amended to read as follows:

RCW 47.16.080
amended.

A primary state highway to be known as primary state highway No. 8, or the Evergreen highway, is established as follows: Beginning at Vancouver on primary state highway No. 1, thence in easterly direction by way of Stevenson to Goldendale, thence in a northeasterly direction by way of Satus Pass to junction with primary state highway No. 3, southeast of Yakima; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to connect with the approach to the Biggs Rapids toll bridge across the Columbia river; also, beginning in the vicinity of Maryhill, running thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth, thence in a northeasterly direction to a junction with primary state highway No. 3, in the vicinity of Kennewick; also, beginning at a junction with primary state highway No. 8 in the vicinity of Paterson, thence in a northerly direction to a junction with secondary state highway No. 3A in the vicinity of Prosser.

No. 8
Evergreen
highway.

The route of primary state highway No. 8 beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to the ferry landing of the Maryhill ferry on the Columbia river shall remain a part of such highway until the Biggs Rapids toll bridge and approaches are connected and open to traffic.

RCW 47.16.160
amended.

SEC. 3. Section 47.16.160, chapter 13, Laws of 1961 and RCW 47.16.160 are each amended to read as follows:

No. 16 North
Cross State
highway.

A primary state highway to be known as primary state highway No. 16, or the North Cross State highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly and westerly direction by the most feasible route by way of Twisp, Diablo dam, Marblemount, Concrete, Sedro Woolley and Burlington to a junction with primary state highway No. 1 east of Whitney; also beginning at a point in the vicinity south of Twisp on primary state highway No. 16, thence in an easterly direction by the most feasible route to a junction with primary state highway No. 10 in the vicinity south of Okanogan; also, beginning at a wye connection with primary state highway No. 16, southwest of Okanogan, thence southwesterly to a junction with primary state highway No. 10 in the vicinity of Malott: *Provided*, That until such times as primary state highway No. 16 from southwest of Okanogan to the vicinity of Malott is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said primary state highway No. 16.

Effective date.

This section shall become effective July 1, 1961.

SEC. 4. Section 47.20.020, chapter 13, Laws of 1961

and RCW 47.20.020 are each amended to read as follows: RCW 47.20.020 amended.

Secondary state highways as branches of primary state highway No. 1 are established as follows: Secondary highway routes. Highways 1C, 1D.

Secondary state highway No. 1C; beginning at a junction with primary state highway No. 1 in the vicinity south of Blanchard, thence in a southerly direction to a junction with primary state highway No. 1 in the vicinity of Whitney;

Secondary state highway No. 1D; beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidbey Island; also beginning at a junction with secondary state highway No. 1D as herein described in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip.

SEC. 5. Section 47.20.030, chapter 13, Laws of 1961 and RCW 47.20.030 are each amended to read as follows: RCW 47.20.030 amended.

A secondary state highway as a branch of primary state highway No. 1 is established as follows: Highway 1E.

Secondary state highway No. 1E; beginning at Conway on primary state highway No. 1, thence in a southerly direction by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A; also from the junction of secondary state highway No. 1A at Arlington in a northeasterly and easterly direction to Darrington.

SEC. 6. Sections 47.16.170 and 47.20.520, chapter 13, Laws of 1961 and RCW 47.16.170 and 47.20.520 are each repealed. Repeal.

SEC. 7. Section 47.16.190, chapter 13, Laws of 1961 and RCW 47.16.190 are each amended to read as follows: RCW 47.16.190 amended.

Primary highway routes. No. 21 Kitsap Peninsula highway.

A primary state highway to be known as primary state highway No. 21, or the Kitsap Peninsula highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 9 near the mouth of the Skokomish river, thence in a northeasterly direction along the southeast shore of Hood Canal to the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to Port Gamble, thence southerly and easterly to Kingston; also beginning on primary state highway No. 21 at Bremerton easterly to the ferry terminal in Bremerton; also beginning at Keyport, thence in a westerly direction by the most feasible route to a junction with primary state highway No. 21, as herein described.

The route of primary state highway No. 21, beginning at Lofall established by section 4, chapter 383, Laws of 1955 shall remain a part of such highway to service ferry traffic and shall not be superseded by this section until the Hood Canal bridge and approaches are constructed and opened to traffic.

RCW 47.20.090 amended.

SEC. 8. Section 47.20.090, chapter 13, Laws of 1961 and RCW 47.20.090 are each amended to read as follows:

Secondary highway routes No. 1R, 1S.

Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1R; beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit Lake to Mt. St. Helens;

Secondary state highway No. 1S; beginning at a junction with primary state highway No. 1 in the vicinity north of Woodland, thence in an easterly direction to Amboy, thence in a southerly direction to Battleground, thence in a westerly direction to a

junction with primary state highway No. 1 in the vicinity north of Vancouver.

SEC. 9. Section 47.20.240, chapter 13, Laws of 1961 and RCW 47.20.240 are each amended to read as follows: RCW 47.20.240 amended.

Secondary state highway No. 4C is established as a branch of primary state highway No. 4 as follows: Highway 4C.

Secondary state highway No. 4C; beginning at a junction with primary state highway No. 4 in the vicinity north of Wilbur, thence in a northwesterly direction to a junction with secondary state highway No. 2F at Grand Coulee.

SEC. 10. Section 47.20.330, chapter 13, Laws of 1961 and RCW 47.20.330 are each amended to read as follows: RCW 47.20.330 amended.

Secondary state highways as branches of primary state highway No. 8 are hereby established according to designation and description as follows: Highways 8A, 8B.

Secondary state highway No. 8A; beginning in Camas on primary state highway No. 8, thence in a northwesterly direction to Orchards, thence in a southwesterly direction to Vancouver on primary state highway No. 1;

Secondary state highway No. 8B; beginning at Washougal on primary state highway No. 8, thence in a northerly and easterly direction by the most feasible route following the general course of the Washougal river to a junction with primary state highway No. 8 east of Washougal.

SEC. 11. Section 47.20.340, chapter 13, Laws of 1961 and RCW 47.20.340 are each amended to read as follows: RCW 47.20.340 amended.

Secondary state highways as branches of primary state highway No. 8 are established as follows: Highway 8D.

Secondary state highway No. 8D; beginning at a wye junction with primary state highway No. 8, the west branch in the vicinity east of Underwood

and the east branch in the vicinity of White Salmon, thence in a northerly direction to the boundary of the Columbia National Forest.

RCW 47.20.540 amended.

SEC. 12. Section 47.20.540, chapter 13, Laws of 1961 and RCW 47.20.540 are each amended to read as follows:

Highways 21A, 21B.

Secondary state highways as branches of primary state highway No. 21 are hereby established as follows:

Secondary state highway No. 21A; beginning at a junction with primary state highway No. 21 in the vicinity north of Poulsbo, thence in a southeasterly direction by the most feasible route across Agate Pass to the north end of Bainbridge Island, thence in a southerly direction by the most feasible route to the vicinity of Winslow;

Secondary state highway No. 21B; beginning at Keyport on primary state highway No. 21, thence in a southerly direction by the most feasible route to Bremerton, including the Port Washington Narrows bridge and approaches thereto; also beginning at a junction with secondary state highway No. 21B in the vicinity north of East Bremerton, thence easterly by the most feasible route to Illahee State Park.

RCW 47.20.220 amended.

SEC. 13. Section 47.20.220, chapter 13, Laws of 1961 and RCW 47.20.220 are each amended to read as follows:

Highways 3L, 3P, 3R, 3S.

Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy;

Secondary state highway No. 3P; beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a

westerly direction to a junction with secondary state highway No. 4A east of Republic: *Provided*, That secondary state highway No. 3P, as herein described shall not become a part of the state highway system until after the construction of the Republic-Kettle Falls Forest Highway by the United States Bureau of Public Roads shall have been completed;

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence northerly and westerly via Richland to a junction with primary state highway No. 3 at Kiona.

Secondary state highway No. 3S; beginning at a junction of primary state highway No. 3 in Spokane at a point common to primary state highway No. 2 thence northerly and northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside state park near the boundary line common to Stevens and Spokane counties: *Provided*, That this change of route of state highway No. 3S shall be effective only upon the adoption of a resolution or ordinance of the city of Spokane providing for the contribution of twenty-three thousand two hundred fifty-two dollars and eleven cents to the cost of such change of route and the further pledge by the city of Spokane of its allocation of motor vehicle fuel taxes to guarantee future payment of principal and interest of bonds issued by the Washington toll bridge authority for construction of the Spokane river toll bridge.

SEC. 14. Section 47.20.410, chapter 13, Laws of 1961 and RCW 47.20.410 are each amended to read as follows:

RCW 47.20.410 amended.

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Highways 11A, 11B, 11C.

Secondary state highway No. 11A; beginning at Connell on primary state highway No. 11, thence in

a westerly direction to Yakima on primary state highway No. 3: The highway commission shall provide and maintain suitable facilities for vehicles and pedestrian crossing of the Columbia river at the point where secondary state highway No. 11A crosses the river, at the expense of the state and without charge to the public: *Provided*, That upon the completion of secondary state highway No. 11C from Vernita Ferry to Richland, that portion of secondary state highway No. 11A from the vicinity of Mesa to White Bluffs Ferry shall revert to Franklin county;

Secondary state highway No. 11B; beginning at a junction with primary state highway No. 11 in the vicinity of Connell, thence northeasterly by way of Kahlotus, Washtucna and LaCrosse to a junction with primary state highway No. 3 in the vicinity of Dusty; also beginning at a junction with secondary state highway No. 11B in the vicinity of Washtucna, thence southeasterly to a junction with primary state highway No. 3 at Delaney: *Provided*, That until such time as secondary state highway No. 11B between Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 11B.

Secondary state highway No. 11C beginning at a junction with secondary state highway No. 11A near the southerly approach to the Vernita Ferry, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with secondary state highway No. 3R at Richland. **[The construction of secondary state highway No. 11C between secondary state highway No. 11A and secondary state highway No. 3R shall not begin until after a bridge, including approaches, across the Columbia river in the vicinity of Vernita*

•Vetoed.

Ferry connecting the easterly end of secondary state highway No. 11A on the south bank of the Columbia river with secondary state highway No. 7C on the north bank of said Columbia river has been authorized and construction commenced.] The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation.

SEC. 15. Section 47.20.430, chapter 13, Laws of 1961 and RCW 47.20.430 are each amended to read as follows:

RCW 47.20.430 amended.

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Highways 11F, 11G, 11H.

Secondary state highway No. 11F; beginning at Sprague on primary state highway No. 11, thence in a northwesterly direction to Harrington on primary state highway No. 7;

Secondary state highway No. 11G; beginning in the vicinity of Eltopia on primary state highway No. 11, thence in a northwesterly direction to a junction with primary state highway No. 18 in the vicinity of Moses Lake, thence northwesterly to a junction with primary state highway No. 7 in the vicinity of Soap Lake with a wye connection from the vicinity of Rocky Ford creek to the vicinity of Ephrata;

Secondary state highway No. 11H; beginning at a junction with primary state highway No. 11 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with primary state highway No. 11 in the vicinity of Four Lakes: *Provided*, That the addition of highway No. 11H shall not become effective until such time as the interstate system by-pass of Cheney is constructed and under traffic.

SEC. 16. The joint fact-finding committee on highways, streets and bridges, jointly with the

Highway
additions,
deletions
study—Scope.

Washington state highway commission, shall, pursuant to the provisions of this act, consider the following highway additions and deletions by undertaking a comprehensive and definitive study, with necessary reconnaissance surveys, including location, reconstruction cost and roadway design to accomplish their evaluation with respect to their being a part of the modern integrated state highway system. Unless otherwise specified, all studies shall be completed by June 1, 1962:

(1) A highway beginning at a junction with primary state highway No. 1 south of Woodland via LaCenter; thence easterly to a junction with secondary state highway No. 1S.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(2) A highway beginning at a junction with secondary state highway No. 3A in the vicinity southeast of Toppenish; thence in an easterly direction to a junction with primary state highway No. 3 in the vicinity of Granger.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(3) A highway beginning at the junction of primary state highway No. 8 with primary state highway No. 1; thence westerly and northerly along the shore of the Columbia river to a junction with primary state highway No. 1 in the vicinity of Woodland.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(4) A new section of secondary state highway No. 1V to be known as Marine View Drive; said section to be approximately two and one-half miles in length in the vicinity of Redondo. This study is to be made as it relates to the relocation of primary state highway No. 1.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of ten thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(5) A new section of secondary state highway No. 2D beginning at Kirkland; thence southerly to a junction with primary state highway No. 2 west to Factoria and a further study in connection therewith of all other possible highway connections with the Evergreen Point bridge, considering the problem of traffic conditions when said bridge is in operation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

(6) An extension of secondary state highway No. 9A from Neah Bay via LaPush to a junction with primary state highway No. 9 in the vicinity of the Hoh river. This study shall include consultations with the National Park Service of the United States and shall include the recommendations of such service, if any, as to the proposed extension.

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(7) In conjunction with the Washington toll bridge authority, the feasibility of an alternate daily ferry run between Bellingham and Sidney, B. C., via Orcas. This study shall be completed by April 1, 1962.

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(8) A state highway from the Snake river in the vicinity of Riparia to a junction with secondary state highway No. 11B in the vicinity of LaCrosse.

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(9) In conjunction with the Washington toll bridge authority, the feasibility of a ferry run between Camano Island and Whidbey Island.

Appropriation. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(10) A new section of secondary state highway

No. 3J from Springdale via Long Lake to a junction with primary state highway No. 2 at Reardan.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint fact-finding committee on highways, streets and bridges the sum of fifteen hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

SEC. 17. Because of periodic closures of primary state highway No. 12 between Cathlamet and the Longview toll bridge due to scheduled reconstruction work thereon, the state highway commission is authorized and directed to expend for maintenance of the Puget Island-Westport ferry a sum not to exceed four hundred dollars per month through June 30, 1965 for operation of said ferry as a temporary alternate route: *Provided*, That not more than fifty percent of the total monthly cost of operation and amortization costs of said ferry shall be paid by the highway commission and the balance of such cost shall be borne by Wahkiakum county. The monthly payments provided for herein shall be disbursed by warrant to Wahkiakum county upon proper vouchers certified by Wahkiakum county board of county commissioners and approved by the state highway commission. Puget Island-Westport ferry maintenance.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1963 the sum of ninety-six hundred dollars or so much thereof as may be necessary to carry out the provisions of this section. Appropriation.

SEC. 18. The Washington toll bridge authority is authorized and directed to make all necessary traffic studies, acceptable to prospective bond purchasers or investment firms to determine the amount of subsidy or other financial assistance necessary to Naches pass toll highway, tunnel studies.

make feasible the construction of a toll highway and tunnel on primary state highway 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways. Said highway and tunnel project shall start on state highway 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park; thence to the east portal; thence following the north fork of the Little Naches river to the Little Naches river; thence down to its junction with the Bumping river at state highway 5.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of fifty thousand dollars to carry out the provisions of this section.

Toll bridge from Bainbridge Island to Kitsap Peninsula study.

SEC. 19. The state highway commission is authorized and directed to conduct studies concerning the proper location of a toll bridge from Bainbridge Island to the Kitsap Peninsula together with necessary connecting roads and ferry terminals for the facilitation of transportation across Puget Sound. The commission shall utilize all prior surveys and reports heretofore made concerning such bridging. Upon completion of such studies, the commission shall report its recommendation to the Washington toll bridge authority. The authority shall thereupon make necessary traffic surveys, acceptable to prospective bond purchasers or investment firms, to determine the financial feasibility of the construction of such bridge at the location recommended by the state highway commission.

Appropriations.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1963, the sum of thirty

thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of twenty-five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section.

SEC. 20. The state highway commission is hereby directed to make an engineering study relating to the redesign of the vessel opening on the existing Lake Washington floating bridge necessary for the orderly development of that part of the federal interstate highway utilizing said bridge.

Floating
bridge vessel
opening
redesign
study.

SEC. 21. The joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947, and continued by chapter 213, Laws of 1949, continued by section 44, chapter 269, Laws of 1951, continued by section 4, chapter 254, Laws of 1953, continued by section 21, chapter 384, Laws of 1955, continued by section 32, chapter 172, Laws of 1957, and continued by section 37, chapter 319, Laws of 1959, is hereby continued until April 1, 1963. It shall consist of seven senators to be appointed by the president of the senate and eight members of the house of representatives to be appointed by the speaker thereof. The list of appointees shall be submitted before the close of the 1961 extraordinary session for confirmation of senate members, by the senate, and the house members by the house. Vacancies occurring shall be filled by the appointing authority.

Committee
continued.

SEC. 22. The committee is authorized and directed to continue its studies and for that purpose shall have all the powers and duties set forth in chapter 111, Laws of 1947, and in addition thereto is authorized and directed to ascertain, study, analyze, report on and make recommendations to the

Committee
powers and
duties.

1963 legislature, prior to its convening, concerning:

(1) The orderly development of state highways by classification and necessity with recommendation of additions and deletions to accomplish a modern integrated highway system.

(2) Continuation of the study of city street, county road, and state highway revenues and needs and methods of improving administration of city street, county road and state highway programs.

(3) A review of motor vehicle licensing.

(4) Continuation of the license department study, including operations, budgets and organizational needs for a separate motor vehicle department.

(5) Control of roadside advertising and signs with due consideration of federal legislation and requirements.

(6) Traffic safety and controls, including a comprehensive driver improvement program.

(7) Reciprocity in the licensing and taxation of motor vehicles including the feasibility of placing license and weight fees on motor vehicle power units only.

(8) The development, in cooperation with the state highway commission, the association of Washington cities and the division of municipal corporations of the state auditor's office, of a uniform accounting system for cities and towns with regard to street and bridge construction and maintenance costs.

(9) The erection of appropriate roadside markers and historical monuments along the highways of the state.

(10) A comparison study of the Washington motor vehicle laws and the uniform vehicle code with recommendations for bringing Washington laws into conformity with the uniform vehicle code.

(11) The desirability of adopting a statewide uniform traffic ticket.

(12) The feasibility of collecting the tax on

diesel and other fuels from the distributors thereof in the manner of collecting gasoline taxes.

(13) The status of local planning policy in respect to local development in the vicinity of limited access highway interchanges and approaches, including measures to improve control of land use necessary to protect limited access highway approaches from congestion.

(14) Development of a sound and uniform policy in the design and integration of city streets and county roads with regard for future annexations and incorporations.

(15) Organization of road and street planning activities in the various geographic areas of the state and its relation to state highway planning.

(16) The federal highway cost allocation study and American Association of State Highway Officials road test and their application to cost allocation, weight limits and highway design in Washington.

SEC. 23. The members of the joint fact-finding committee on highways, streets and bridges shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittees of the committee or while engaged on other committee business authorized by the committee to the extent of twenty dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings or for travel on other committee business authorized by the committee. All expenses incurred by the committee, including salaries of employees, shall be paid upon voucher forms as provided by the central budget agency and signed by the chairman or vice chairman of the committee and attested by the secretary of the committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers

Committee
expenses—Re-
imbursement.

may be drawn upon funds appropriated for the expenses of the committee.

1959 c 319 § 43 amended.

SEC. 24. Section 9, chapter 254, Laws of 1953, as last amended by section 43, chapter 319, Laws of 1959 (uncodified) is amended to read as follows:

Additional fee for motor vehicles.

In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

- For each truck under 12,000 lbs. \$.25
- For each truck over 12,000 lbs. and under 20,000 lbs. . . \$.50
- For each truck over 20,000 lbs. \$1.00
- For each trailer 4,000 lbs. to 12,000 lbs. \$.25
- For each trailer 12,000 lbs. to 20,000 lbs. \$.50
- For each trailer, semitrailer or pole trailer over 20,000 lbs. \$1.00
- For each diesel truck \$2.00
- For each auto stage \$1.00
- For each for hire vehicle over 4,000 lbs. \$.50
- For each motor vehicle not otherwise taxed herein \$.10

Disposition.

Such fees shall be collected for the calendar years 1961, 1962 and 1963 only, and shall be deposited in the motor vehicle fund, and shall be used by the joint fact-finding committee on highways, streets and bridges and the state highway commission to help defray the costs of special highway use and weight studies and tests upon highways as provided for in this act and for other necessary expenses of such committee.

Use.

Appropriation.

SEC. 25. There is hereby appropriated from the motor vehicle fund to the joint fact-finding committee on highways, streets and bridges, created by chapter 111, Laws of 1947 and continued by this act, for the biennium ending June 30, 1963, the sum of fifty thousand dollars, or so much thereof as shall be necessary.

RCW 47.44.010 amended.

SEC. 26. Section 47.44.010, chapter 13, Laws of 1961 and RCW 47.44.010 are each amended to read as follows:

Wire, pipeline, tram and railway franchises.

The highway commission shall have the power to grant franchises to persons, associations, private

or municipal corporations, the United States government or any agency, thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise 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 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 any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of a newspaper having a general circulation in such county or counties, 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 the time and place of such hearing. 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 highway commission.

Application—
Notice—
Hearing.

SEC. 27. There is added to chapter 12, Laws of 1961 and chapter 46.52 RCW a new section to read as follows:

New section.

The director shall upon request furnish any insurance company, business or person a certified abstract of the operating record of any person, where such person has endorsed his consent on such

Motor vehicle
operator's
record to be
furnished
—Fee.

request for the record, covering a period of not less than five years past, whenever possible, which abstract shall include an enumeration of any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer.

The director shall collect for each such abstract the sum of one dollar which shall be deposited in the motor vehicle operators' records revolving fund.

New section.

SEC. 28. There is added to chapter 12, Laws of 1961 and chapter 46.52 RCW a new section to read as follows:

Motor vehicle
operators'
revolving fund
—Created—
Use.

There is hereby created a special fund to be designated "motor vehicle operators' revolving fund" in the custody of the treasurer and to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the department of licenses to pay the cost of furnishing abstracts of operating records of motor vehicle operators and for maintaining such case records. Disbursements from said fund shall be paid by the treasurer upon vouchers duly and regularly issued therefor and approved by the director of licenses.

Annual
motor vehicle
administra-
tion report.

SEC. 29. The director of licenses shall, on or before the first day of March of each year, make to the governor a full report of the activities of the department relating to motor vehicle administration for the prior calendar year, incorporating therein a statement of the program for the ensuing calendar year. Such report shall contain a statistical analysis of the activities of the department relating to driver licensing and driver improvement, vehicle licensing and liquid fuel tax collections.

SEC. 30. Section 82.36.210, chapter 15, Laws of 1961 and RCW 82.36.210 are each amended to read as follows:

RCW 82.36.210 amended.

Every person operating any conveyance for the purpose of hauling motor vehicle fuel in bulk pursuant to the provisions of RCW 82.36.200, shall before entering upon the public highways of this state with such conveyance, apply for the registration thereof with the director on such forms as shall be provided by him and the director shall assign a license number to such person and shall issue separate license cards for each conveyance intended to be operated, which card shall show the license number assigned, the motor number, if any, of the conveyance and such other information as the director may prescribe. Such card shall be conspicuously displayed on the conveyance at all times during its operation on the public highways of this state. The director shall furnish to the licensee, duplicate license plates for each conveyance so operated, containing the number assigned to the licensee, and the words "Washington motor vehicle fuel transport license" or any abbreviation thereof authorized by the director. The authorized number plates shall be attached conspicuously on the left front side and the rear of such conveyance in such manner that they can be plainly seen and read at all times. Each number plate shall be attached in a horizontal position not less than three feet nor more than six feet from the ground and shall be kept clean so as to be plainly read at all times. The owner or operator of any such conveyance shall secure from the director, under such conditions as he may require, new number plates to replace any plates which may have been damaged to such an extent that the figures thereon cannot be plainly read. The director shall charge and collect from each licensee the sum of one dollar for each set of two license plates, and seventy-five cents for each single plate assigned as replace-

Licenses required of motor vehicle fuel haulers.

ment of a damaged plate. Nothing contained in this section shall in any manner relieve or discharge the owner or operator of such conveyance from complying with all other provisions of law.

All such persons must have and possess during the entire time they are hauling motor vehicle fuel, an invoice, bill of sale, or other statement showing the true name and address of the seller or consignor, the name of the purchaser or consignee, if any, the number of gallons, and the name and address of the person who has assumed or who shall assume the payment of the tax. The person hauling such motor vehicle fuel shall at the request of any sheriff, deputy sheriff, constable, highway patrolman, or authorized representative of the department, or other person authorized by law to inquire into, or investigate said matters, produce and offer for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle. If the hauler fails to produce the invoice, bill of sale, or other statement, or if when produced it fails to disclose the aforesaid information, the officer or other person authorized to make inquiry, shall take and impound the motor vehicle fuel together with the conveying equipment until the tax on the motor vehicle fuel, together with penalty equal to one hundred percent of the tax, and other expenses, charges, and costs have been paid. In case of default, and the taking and impounding herein provided for, the tax, damages, and costs shall be collected, even though the full excise tax may have already been paid on the motor vehicle fuel. In case the tax, damages, and other charges are not paid within forty-eight hours after the taking of said property, the director may proceed to sell it in the mode and manner provided by law for the sale of personal property under execution.

SEC. 31. Section 82.36.220, chapter 15, Laws of 1961 and RCW 82.36.220 are each amended to read as follows:

Every person who imports motor vehicle fuel into this state for his own use in equipment other than motor vehicles shall not, for that reason alone, be required to secure a distributor's license or to comply with any of the provisions of this chapter imposed upon a distributor or with the provisions of RCW 82.36.100; but such person shall make a report verified under oath and file the same with the director on or before the tenth day of the succeeding month, showing the number of gallons of motor vehicle fuel so imported and the number of gallons of such motor vehicle fuel used during the preceding month, the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the place of storage, and the manner of use or intended use together with a description of the equipment in which the same is used. These reports shall be filed upon blanks furnished by the director: *Provided*, That any person coming into this state in an aircraft or motor boat shall not be required to make such a report in respect to any motor vehicle fuel carried in the fuel tanks of such vehicle for the purpose of propelling such vehicle, and every person coming into this state in a motor vehicle may transport in the fuel tanks of such vehicle for the propulsion thereof not more than twenty gallons of motor vehicle fuel or other inflammable petroleum products without paying the tax: *Provided*, That in the case of commercial motor vehicles no exemption shall be allowed, thereby requiring the operators of such commercial motor vehicles to purchase sufficient fuel within this state in accordance with the miles traveled on the highways of this state, but if the motor vehicle fuel so brought into the state be removed from the fuel tanks of such vehicles or

—Exemptions.

used for any purpose other than the propulsion of the vehicles, the person so importing motor vehicle fuel shall be subject to all the provisions of this chapter applying to distributors. The director shall have the right to establish the adequacy of fuel purchases within this state by an examination of the books and records of the owner or operator of any commercial motor vehicle and if it is determined that sufficient fuel was not obtained within this state, the amount of tax so determined shall immediately become due and payable.

RCW 46.16.010
amended.

SEC. 32. Section 46.16.010, chapter 12, Laws of 1961 and RCW 46.16.010 are each amended to read as follows:

Motor vehicles.
License and
plates required
—Equipment
exempted.

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Provided*, That these provisions shall not apply to farm tractors and farm implements temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to equipment defined as follows:

“Special highway construction equipment” is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air com-

pressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed 500 feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

“Special highway construction equipment” does not include any of the following:

(a) Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

SEC. 33. Section 12, chapter 7, Laws of 1961, extraordinary session (Senate Bill No. 4) and RCW 46.16.072 are each amended to read as follows:

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for

RCW 46.16.072
amended.

Gross weight
fees on
trailers.

each trailer, semitrailer and pole trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trailers, semitrailers and pole trailers shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

4,000 lbs. or more and less than 6,000 lbs.	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.	\$110.00
22,000 lbs. or more and less than 24,000 lbs.	\$145.00
24,000 lbs. or more and less than 26,000 lbs.	\$180.00
26,000 lbs. or more and less than 28,000 lbs.	\$220.00
28,000 lbs. or more and less than 30,000 lbs.	\$260.00
30,000 lbs. or more and less than 32,000 lbs.	\$305.00
32,000 lbs. or more and less than 34,000 lbs.	\$345.00
34,000 lbs. or more and less than 36,000 lbs.	\$395.00

RCW 46.44.045 amended.

SEC. 34. Section 46.44.045, chapter 12, Laws of 1961 and RCW 46.44.045 are each amended to read as follows:

Maximum gross weights — Penalties for violation.

(1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five

thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: *Provided*, That upon first conviction, the court in its discretion may suspend the additional fine for excess weight up to five thousand pounds and for excess weight over five thousand pounds may apply the schedule of additional fines as if the excess weight over five thousand pounds were the only excess weight, but in no case shall the basic fine be suspended.

(3) The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the operator's driver's license for not less than thirty days. Whenever the operator's driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director of licenses with information concerning the suspension thereof.

(5) Any other provision of law to the contrary

notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050, and for the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) the convictions shall be on the same vehicle or combination of vehicles within a twelve months period under the same ownership.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund. It shall then be allocated as provided in RCW 46.68.100.

RCW 46.44.047 amended.

SEC. 35. Section 46.44.047, chapter 12, Laws of 1961 and RCW 46.44.047 are each amended to read as follows:

Excess weights
—Logging
trucks—
Special
permits—Dis-
cretion of
arresting
officer—Fees—
Disposition of.

In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than

seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state, primary, or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited

with the state treasurer and credited to the motor vehicle fund.

Permits involving county roads or using county roads to reach state highways, authorized for permit by the state highway department may be issued by the county or counties involved. A fee of five dollars for such county permit may be assessed by the board of county commissioners which shall be deposited in the county road fund. The special permit provided herein shall be known as a "county log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the county engineer involved. Authorization of additional route or routes may be made at the discretion of the county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach a state highway route, without first obtaining a county permit when required by the board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

RCW 46.40.030
amended.

SEC. 36. Section 46.44.030, chapter 12, Laws of 1961 and RCW 46.44.030 are each amended to read as follows:

It is unlawful for any person to operate upon the

public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission. It is unlawful for any person to operate upon the public highways any combination of vehicles which, with or without load, has an overall length in excess of sixty feet, or any combination of vehicles containing any vehicle of which the permanent structure has an overall length in excess of forty feet. Said length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load: *Provided*, That when it is desirable to facilitate the movement of combination of vehicles between this state and other states, the state highway commission may authorize combinations consisting of a tractor, a semitrailer, and a trailer or a truck and full trailer to operate at a total overall length, with or without load, not to exceed sixty-five feet on highways authorized for operation under RCW 46.44.095: *Provided, further*, That the load upon any combination of vehicles, conforming to this section, shall not exceed a total length of sixty-five feet measured from the front extremity of the first vehicle or load to the rear extremity of the last vehicle or load, but in no case shall the overhang limits in RCW 46.44.034 be exceeded: *Provided further*, That the operation of such

Maximum
lengths.

loads shall be confined to routes established by RCW 46.44.095.

RCW 46.84.020
amended.

SEC. 37. Section 46.84.020, chapter 12, Laws of 1961 and RCW 46.84.020 are each amended to read as follows:

Highway user
tax structure.
Proportional
registration
and licensing
—"Instate fleet
miles," "Total
fleet miles"
defined.

Any owner or person entitled to the possession or right to operate vehicles, engaging in operating fleets of three or more vehicles not in combination in this state may, in lieu of registration of such vehicles under the provisions of chapter 46.16, and payment of excise taxes or fees imposed by chapter 82.44 and RCW 81.80.320, register and license each such fleet for operation in this state: *Provided*, That the reciprocity commission may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby. A sworn statement shall be filed with the department of licenses declaring the total mileage operated with each such fleet of vehicles in all jurisdictions and the total mileage operated in this state during the preceding calendar year or a twelve month period designated by the department with each such fleet and describing and identifying each vehicle in each fleet to be operated in this state during the ensuing license year. Such statements shall also be accompanied by a total fee payment not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement to the amounts respectively which would otherwise be required under said chapter 46.16, chapter 82.44, and RCW 81.80.320, for complete licensing and registration of such fleet in this state: *Provided*, That a minimum fee payment of three dollars shall be paid for each vehicle of such fleet. The following definitions of fleet mileage shall be applied: "Instate fleet miles" shall be the total number of miles operated with a fleet, as herein de-

fined, during the calendar period prescribed for an application, and shall not include miles traveled by any vehicle which did not, during such calendar period, actually travel in some other state. "Total fleet miles" shall be the total number of miles operated with a fleet, as defined herein, in all jurisdictions, including states, districts, possessions, territories of the United States and states and provinces of other countries, and shall not include miles traveled by any vehicle which did not, during such period, actually travel a portion of those miles in this state: *Provided, however,* That when fleets containing trailers or semitrailers which in the ordinary course of events would not be operated in this state but which the owner wishes to qualify in this state to achieve flexibility of fleet operation, the total miles operated by such additional vehicles may be included in "total fleet miles" unless the reciprocity commission determines that the inclusion of such miles would be contrary to the interests of this state. The department shall transmit the amounts of fees and taxes collected under the provisions of this chapter pursuant to the provisions of chapter 46.16, chapter 82.44 and RCW 81.80.320 to the state treasurer, who shall deposit the same in the funds designated by the provisions of said acts. The departments shall thereupon register and issue a license plate, plates or other distinctive sticker or suitable device for each vehicle named in said statement identifying it as an interstate fleet vehicle, which shall be exempt from all further license, weight fee, motor freight carrier gross weight fee and motor vehicle excise requirements of this state for any type of movement or operation. A fee of two dollars shall be paid for each such sticker or device issued. The proportional registration and licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Nonresidents shall be entitled to pro-

portional registration hereunder unless the terms and conditions of any reciprocity agreement, arrangement, or declaration filed in the office of the director of licenses under the provisions of this chapter require otherwise.

New section.

SEC. 38. There is added to chapter 12, Laws of 1961 and chapter 46.84 RCW a new section to read as follows:

Special
reciprocity
identification
plate.
Authorized.

The reciprocity commission may require the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: *Provided*, That such reciprocal agreement is on file with the reciprocity commission: *Provided further*, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement.

New section.

SEC. 39. There is added to chapter 12, Laws of 1961 and chapter 46.84 RCW a new section to read as follows:

—Expiration
time.

Each identification plate shall be valid until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed: *Provided*, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed.

New section.

SEC. 40. There is added to chapter 12, Laws of 1961 and chapter 46.84 RCW a new section to read as follows:

—Issuance
—Fee—Dispo-
sition of.

All special reciprocity identification plates shall be obtained by the director of licenses in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon appli-

cation in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Sec. 41. Upon the completion of reconstruction of primary state highway No. 8 between Maryhill and Paterson, that portion of primary state highway No. 8 beginning at a junction with primary state highway No. 8 in the vicinity south of Goldendale, thence in an easterly direction via Goodnoe Hills to a junction with the new location of primary state highway No. 8 west of Roosevelt, shall revert to Klickitat county. At such time secondary state highway No. 8E shall be established as a branch of primary state highway No. 8 as follows:

Highway to revert to county.

Secondary highway 8E established.

Secondary state highway No. 8E; beginning at a junction with primary state highway No. 8 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with state highway No. 8 in the vicinity of Goldendale.

Sec. 42. Section 1, chapter 224, Laws of 1937 as last amended by section 2, chapter 307, Laws of 1961, and RCW 43.03.040 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, who are subject to appointment by the governor, the director of game, the director of aeronautics, the director of parks and recreation, the director of the veterans' rehabilitation council and the statutory assistant directors of all departments the executive head of which is an individual appointed by the governor, shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor, in an amount not to exceed the recommendations of the advisory committee on salaries

Vetoed.

created in RCW 43.03.028, upon the basis of official responsibility.

Vetoed.

Sec. 43. Section 47.01.130, chapter 13, Laws of 1961 and RCW 47.01.130 are each reenacted to read as follows (section 10, chapter 307, Laws of 1961 and RCW 43.27.180 being hereby repealed):

The salary of the director of highways shall be ten thousand dollars per year: Provided, That the commission may increase said salary.

Repeal.

SEC. 44. Section 16, chapter 7, Laws of 1961, extraordinary session (Senate Bill No. 4) is hereby repealed.

Severability.

SEC. 45. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Emergency.

SEC. 46. 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 sections 21 through 25 of this act shall take effect immediately.

Passed the Senate March 28, 1961.

Passed the House March 28, 1961.

Approved by the Governor April 3, 1961, with the exception of a certain item in section 14 and sections 42 and 43, which are vetoed.

Veto message, excerpt.

NOTE: Governor's message stating reasons for vetoing a certain item in section 14, and sections 42 and 43 of this measure reads as follows:

"Section 14 of this bill *inter alia* adds a secondary state highway, known as No. 11-C running from the Tri-City area to the Vernita Ferry across the Atomic Energy Commission Reservation, to the State highway system. The Committee on Highways of the House of Representatives caused to be inserted the following item pertaining to the above described Secondary State Highway No. 11-C:

"The construction of secondary state highway No. 11C between secondary state highway No. 11A and secondary state highway No. 3R shall not begin until after a bridge, including approaches, across the Columbia river in the vicinity of Vernita ferry connecting the easterly end of secondary state highway No. 11A on the south bank of the Columbia river with secondary state highway No. 7C on the north bank of said Columbia river has been authorized and construction commenced."

"The item quoted would have the effect of postponing for an indefinite time the construction of the much needed Secondary State Highway No. 11-C. This new highway will shorten the distance between the Tri-City area and Seattle by some 20 miles. Its construction would relieve the already congested traffic on the highway running from Prosser to Ellensburg. Its construction will facilitate the flow of commerce between the Tri-City area and the Puget Sound area rather than into the State of Oregon. I feel this road is of utmost importance for the economic development of the Tri-City area and of the State of Washington. Since the Vernita Ferry which is subsidized by the State of Washington is entirely adequate in the foreseeable future to handle the traffic across the Columbia River, it is my conviction that to make the construction of State Highway No. 11-C dependent upon the construction of a bridge across the Columbia River near Vernita, is copricious and unreasonable. For this reason the item quoted is vetoed.

"Sections 42 and 43 would allow the Highway Commission to fix the salary of the Director of Highways. Chapter 307, Laws of 1961, which was passed during the regular session, permits the Governor to fix the salaries of the various department heads of the executive branch, including the salaries of directors serving under the various commissions. The salaries of the directors are to be fixed by the Governor upon the recommendation of a seven member Salary Advisory Committee. One of the main purposes for the enactment of Chapter 307, Laws of 1961, was to establish a uniform system of fixing salaries for the various executive departments under my control. To allow the salary of the Director of Highways to be fixed by the Highway Commission would destroy such uniformity.

"In addition, I have been advised that the fixing of the salary of the Director of Highways might constitute a new subject matter not incorporated in the title to the act.

"For the reasons indicated, the item contained in section 14 quoted herein, and sections 42 and 43 are vetoed. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 22.

[S. B. 14.]

WASHINGTON STATE TEACHERS' RETIREMENT SYSTEM.

AN Act Relating to the Washington state teachers' retirement system; making an appropriation; and adding three new sections to chapter 80, Laws of 1947, and to chapter 41.32 RCW.

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

SECTION 1. There is added to chapter 80, Laws of 1947, and chapter 41.32 RCW, three new sections as set forth in sections 2 through 4 of this act. New sections.

SEC. 2. Any former member of the teachers' retirement system or a former fund who is receiving

Recipients of retirement allowances, minimum pensions set.

a retirement allowance for service or disability on July 1, 1961, shall receive a pension of four dollars and no cents per month for each year of creditable service established with the retirement system, but not to exceed thirty-five years of creditable service: *Provided*, That such former members who were retired pursuant to option 2 or 3 of RCW 41.32.530 shall receive a pension which is actuarially equivalent under said options to the benefits provided in this section: *Provided further*, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1961.

Additional retirement allowances.

SEC. 3. In addition to the pension provided under section 2 of this amendatory act of 1961, a pension increase of eighty-three cents per month for each year of creditable service established with the retirement system, but not to exceed thirty-five years of creditable service, shall be granted to the following persons:

(1) Former members of the teachers' retirement system or a former fund who were receiving a retirement allowance for service on June 30, 1957, and who have not returned to active membership in the system since June 30, 1957, and who are receiving a retirement allowance on July 1, 1961, and who were sixty-two years of age or older in the case of females and sixty-five years of age or older in the case of males by June 30, 1957.

(2) All former members of the teachers' retirement system or a former fund who were receiving a retirement allowance for disability on December 31, 1960, and who have not returned to active membership in the retirement system since December 31, 1960, and who are receiving a retirement allowance for disability on July 1, 1961.

(3) Members who were receiving a temporary disability allowance on December 31, 1960, and who

qualify for disability retirement benefits upon termination of the temporary disability benefit, provided they are not at that time eligible for benefits pursuant to chapter 41.33 RCW.

(4) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance from the teachers' retirement system on July 1, 1961, and who, on that date, is permanently disabled for further teaching duties, but is unable to qualify for the increased benefits as set forth under subsection (1), (2) or (3) of this section, shall be eligible to apply for such increased benefits: *Provided*, That he is not eligible for benefits pursuant to chapter 41.33 RCW. Such person may qualify for the increased pension provided in this section upon approval by the board of trustees of a written application, together with a medical report approved by the medical director of the retirement system, certifying that the applicant is physically or mentally incapacitated for further teaching duties.

SEC. 4. The funds necessary for the payment of benefits provided by this amendatory act of 1961 shall constitute a separate appropriation transfer from the state general fund to the teachers' retirement fund: *Provided*, That for the 1961-1963 biennium the sum of one million eight hundred and forty-seven thousand dollars, or so much as may be needed of this amount, shall be transferred from the Teachers' Retirement Pension Reserve Fund to the Teachers' Retirement Fund for the payment of benefits under this act. Appropriation.

SEC. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 6. This act shall take effect on July 1, 1961.
 Passed the Senate March 31, 1961.
 Passed the House March 31, 1961.
 Approved by the Governor April 3, 1961.

CHAPTER 23.

[S. B. 5.]

CAPITAL IMPROVEMENT PROJECTS—FINANCING.

AN ACT Providing for the financing of capital improvement projects from the proceeds of a bond issue repayable from a portion of the retail sales tax and such additional means as the legislature may provide.

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

Capital budget projects—
 Financing by bonds.

SECTION 1. For the purpose of furnishing funds to finance projects in the 1961-1963 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

Committee supervision and control—
 Bond form.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in this act provided. As a part of the contract of sale of the aforesaid bonds, the state under-

takes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: *Provided*, That any bonds issued under authority of this act for the purpose of financing the construction of the Correctional Institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

Proceeds from
bond sale—
Disposition
of—Use.

SEC. 3. Retirement of the bonds and interest authorized by this act shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify

Bonds and
interest retired
—Procedure.

to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the tax commission and certified by the tax commission to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in this act, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under this act shall have been paid.

Method of retirement of bonds, interest, not exclusive.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

Bonds negotiable—As investment for public funds.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state

control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

Passed the Senate March 31, 1961.

Passed the House March 31, 1961.

Approved by the Governor April 3, 1961.

CHAPTER 24.

[S. B. 10.]

REVENUE AND TAXATION.

AN ACT Relating to revenue and taxation; amending section 82.04.050, chapter 15, Laws of 1961 and RCW 82.04.050; amending section 82.08.150, chapter 15, Laws of 1961 and RCW 82.08.150; amending section 82.24.020, chapter 15, Laws of 1961 and RCW 82.24.020; amending section 82.24.070, chapter 15, Laws of 1961 and RCW 82.24.070; repealing section 83.40.050, chapter 15, Laws of 1961 and RCW 83.40.050; adding a new section to chapter 15, Laws of 1961 and to chapter 84.40 RCW; adding a new chapter to chapter 15, Laws of 1961 and to Title 82 RCW; and declaring an emergency.

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

SECTION 1. Section 82.04.050, chapter 15, Laws of 1961 and RCW 82.04.050 are each amended to read as follows:

RCW 82.04.050 amended.

“Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) other than a sale to one who (a) purchases for the purpose of resale as tangible personal property in the regular course of business, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property, or (c) purchases for the purpose of consuming the

B & O tax. "Sale at retail", "retail sale".

property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing, armored car service and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge

made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, ski lifts and tows and others but excluding bowling and excluding admission charges which may be subject to county or city admissions taxes levied under authority granted in RCW 35.21.280 or chapter 36.38 RCW; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects.

SEC. 2. Section 82.08.150, chapter 15, Laws of 1961 and RCW 82.08.150 are each amended to read as follows:

RCW 82.08.150
amended.

Retail sales
tax.
Tax on certain
sales of intoxicating
liquor.

(1) There is levied and shall be collected from and after the first day of November, 1951, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, excluding sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the fifteenth day of April, 1961, an additional tax upon each retail sale of spirits in the original package at the rate of one and one-tenth cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall

not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state tax commission, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 43.66 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) The additional five percent tax enacted in subdivision (2) of this section shall not be levied upon or applied to sales of wine which have been subjected to the tax imposed by RCW 66.24.220.

(5) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

SEC. 3. Section 82.24.020, chapter 15, Laws of 1961 and RCW 82.24.020 are each amended to read as follows:

RCW 82.24.020
amended.

There is levied and there shall be collected as hereinafter provided, a tax upon the sale, use, consumption, handling or distribution of all cigarettes, in an amount equal to the rate of two mills per cigarette.

Tax on
cigarettes.
Imposed—
Rate.

SEC. 4. Section 82.24.070, chapter 15, Laws of 1961 and RCW 82.24.070 are each amended to read as follows:

RCW 82.24.070
amended.

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to three and three-quarters percent of the value of the stamps purchased or affixed by them.

Compensation
of dealers.

Repeal.

SEC. 5. Section 83.40.050, chapter 15, Laws of 1961 and RCW 83.40.050 are each repealed.

New section.

SEC. 6. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Property taxes
—Listing of
property.
Right of
visitation
and examina-
tion of
personal
property—Use
of facts
obtained.

For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or his trained and qualified deputy at any reasonable time may visit, investigate and examine any personal property, and for this purpose the records, accounts and inventories also shall be subject to any such visitation, investigation and examination which shall aid in determining the amount and valuation of such property. Such powers and duties may be performed at any office of the taxpayer in this state, and the taxpayer shall furnish or make available all such information pertaining to property in this state to the assessor although the records may be maintained at any office outside this state.

Any information or facts obtained pursuant to this section shall be used only for the purpose of determining the assessed valuation of the taxpayer's property and except in a court action pertaining to the assessment or valuation for tax purposes of the property to which such information and facts relate, shall not be disclosed without the permission of the taxpayer to any person other than public officers or employees whose duties relate to valuation of property for tax purposes, and any violation of this secrecy provision shall constitute a gross misdemeanor.

Sec. 7. There is added to Title 82 RCW, a new chapter as set forth in sections 8 through 14 of this act.

Vetoed.

Sec. 8. For the purposes of this chapter, unless otherwise required by the context, terms shall have the following meanings:

“Soft drink” means any nonalcoholic beverage, carbonated or not, concentrated or not, such as, but not limited to, soda water, carbonated water, ginger ale, seven-up, coca cola, pepsicola, and other cola beverages, near beer, fruit juice to which carbonated water, flavoring or syrup is added, milk drinks to which flavoring and syrup is added, and any other preparations commonly referred to as “soft drinks.” The term “soft drinks” shall not include natural, undiluted fruit juice, vegetable juice, or fluid milk to which flavoring alone is added;

“Bottled soft drinks” means any soft drink sold in any closed container;

“Syrup” means the compound mixture or basic ingredient used in the making, mixing or compounding of soft drinks by the mixing of the same with water, carbonated water, ice, fruit, milk or any other product, among such syrups being simple syrups, coca cola syrup, chocolate syrup and various fruit flavor syrups, and all other syrups useable for the purpose of mixing soft drinks;

The meaning ascribed to words and phrases in chapter 82.04 RCW, insofar as applicable, shall have full force and effect with respect to the tax imposed in this chapter.

Sec. 9. There is levied and shall be collected a tax upon the manufacture, bottling, or first sale, use, consumption, handling or distribution in this state of (1) bottled soft drinks in an amount equal to one cent for each twelve fluid ounces or fraction thereof in the smallest container in which the bottled soft drink is contained; and (2) syrups in an amount equal to thirty-eight cents per gallon.

It is the intent and purpose of this chapter to levy a tax on all bottled soft drinks or syrups manufactured, bottled, or first sold, used, consumed or distributed within this state and to collect the tax from the person who manufactures, bottles, first

handles, sells, uses, consumes or distributes them in this state. It is the further intent and purpose of this chapter to impose the tax but once but nothing herein shall be construed to exempt any person taxable under any other law or under any other tax imposed under Title 82.

Sec. 10. The tax commission shall have power to adopt rules and regulations prescribing methods and schedules for the collection of the tax required to be collected under this chapter. The methods and schedules prescribed shall be adopted so as to eliminate the collections of fractions of one cent and so as to provide that the aggregate collections of all taxes under this chapter shall, insofar as practicable, equal the amount of tax imposed hereunder.

Sec. 11. Every person subject to the tax imposed by this chapter shall report and make returns as provided by regulation of the tax commission.

Vetoed.

Sec. 12. Where bottled soft drinks and/or syrup upon which the tax imposed by this chapter has been reported and paid, are shipped or transported without the state, or are returned to the manufacturer, bottler, wholesaler, or distributor without the state from whom they were obtained, or are destroyed, credit of such tax may be made in accordance with regulations prescribed by the commission.

Sec. 13. The tax imposed by this chapter shall not apply with respect to any bottled soft drinks and/or syrup which under the Constitution and laws of the United States may not be made the subject of taxation by this state.

Sec. 14. All of the applicable provisions contained in chapter 82.32 RCW shall have full force and application with respect to taxes imposed by this chapter.

SEC. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 16. 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 on April 15th, 1961. Emergency.

Passed the Senate March 29, 1961.

Passed the House March 30, 1961.

Approved by the Governor April 3, 1961, with the exception of sections 7, 8, 9, 10, 11, 12, 13, and 14, which are vetoed.

NOTE: Governor's message stating reasons for vetoing sections 7, 8, 9, 10, 11, 12, 13, and 14 of this measure reads as follows: Veto message, excerpt.

"The sections vetoed add a new chapter imposing an excise tax of 1c per 12 fluid ounces or a fraction thereof, on the first handler of soft drinks, and on syrups in an amount equal to 38c per gallon.

"The Tax Commission has advised me that enforcement of the so-called 'soft drink' tax raises well nigh insurmountable administrative difficulties. It appears that it is almost impossible to decide whether the tax is to be imposed upon the bottler or manufacturer, or whether it is to be passed on and paid by the ultimate purchaser or consumer. The definitions contained in the sections vetoed pertaining to the terms 'soft drink' and 'syrup' are so vague and indefinite as to result, without question, in court litigation during the next several years.

"In addition I am convinced that the imposition of this tax will have a most serious affect upon the soft drink business. This tax may conceivably drive out of business one-third of the producers and bottlers of soft drinks. The resultant loss of business would cause further unemployment and thereby result in other tax losses.

"In addition, the tax is discriminatory as against the operators of vending machines who would be forced to absorb the tax. Furthermore, this tax would adversely affect an infant industry of this state; to wit: the sugar beet industry.

"My decision to veto the sections enumerated is further influenced by the fact that of the six states which at one time or another had imposed such a tax, only two retain it at the present time.

"Finally, I have received a petition signed by a large majority of the members of the State Senate and of the House of Representatives who voted in favor of Senate Bill No. 10. These petitioners all urge me to veto the soft drink tax. Senator M. J. Durkan and Representative Henry Backstrom, who were the chairman, respectively, of the Committee on Revenue and Taxation in the Senate and in the House of Representatives, and who were members of the Free Conference Committee which prepared this bill, also urge me to veto this tax.

"For the reasons indicated, sections 7, 8, 9, 10, 11, 12, 13, and 14 of

Senate Bill No. 10 are vetoed, the remainder of the bill is approved."
ALBERT D. ROSELLINI,
 Governor.

CHAPTER 25.

[S. B. 2.]

CAPITAL BUDGET AND APPROPRIATIONS.

AN ACT Adopting the capital budget and making appropriations for capital improvements for the fiscal biennium beginning July 1, 1961, and ending June 30, 1963.

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

Capital budget
 —Appropriations.

SECTION 1. That a capital budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for capital projects during the fiscal biennium beginning July 1, 1961, and ending June 30, 1963, out of the several funds hereinafter named:

FOR GENERAL ADMINISTRATION

	Reappropriations	From Fund Designated	From the State Building Construction (Bonds of 1961)
Site acquisition, Construct and equip buildings, Remodel and equip existing facilities (\$4,000,000)			
General Administration Construction Fund	\$2,000,000	\$2,000,000	.....
Remodel Offices, facilities—State Capitol Group .....	.....	.....	\$500,000
Site acquisition for parking and capitol expansion, Construct and equip Record Central Building (\$1,607,000)			
Capitol Building Construction Account .....	.....	857,000	.....
Capitol Purchase and Development Account .....	.....	750,000	.....
Legislative Building—Ventilation ...	.....	.....	232,000
Total (\$6,339,000)	(\$2,000,000)	(\$3,607,000)	(\$732,000)

FOR THE AERONAUTICS
COMMISSION

Construct Emergency Landing fields including site acquisition and im- provements	Reapprop- riations		
State Building Construction Account	\$ 48,000	.....	.....

FOR THE STATE PATROL

Micro-wave—Ephrata office	Reapprop- riations	From the State Patrol Highway Account	
State Patrol Highway Account....	\$ 18,200	.....	.....
Point-to-Point Radio Relay System			
State Patrol Highway Account....	130,000	.....	.....
Replace Mobile and Fixed (Communi- cation) Stations .....	.....	\$658,950	.....
Extend Micro-wave to Klickitat County .....	.....	35,000	.....
Mountain top Radio Stations, Road Improvement .....	.....	5,000	.....
Construct and equip Scalehouses in- cluding site acquisition and im- provement to existing scalehouse sites .....	.....	74,500	.....
Total (\$921,650)	(\$148,200)	(\$773,450)	.....

FOR THE DEPARTMENT OF LABOR
AND INDUSTRIES

Construct and Equip Rehabilitation Dormitory	Reapprop- riations		
Medical Aid Fund	\$150,000	.....	.....

FOR THE MILITARY DEPARTMENT

Armory—Bellingham	Reapprop- riations	From the General Fund	From the State Building Construction (Bonds of 1961)
State Building Construction Account	\$20,000	.....	.....
Armory—Colville			
State Building Construction Account	97,240	.....	.....
Remodel Port Orchard Armory			
State Building Construction Account, Reappropriation.....	22,600	.....	.....
Replace Roof—Seattle Armory			
State Building Construction Account, Reappropriation	25,000	.....	.....

Construct, renovate, and remodel Armory Buildings, including site acquisition and improvement (\$583,500)	.....	\$57,800	\$525,700
Total (\$748,340)	.....	(\$164,840)	(\$57,800)
			(\$525,700)

FOR THE PENITENTIARY

	Reappropriations	From the General Fund	
Cell Block (\$1,008,130)			
Institutional Building Construction Account	\$1,000,000	.....	.....
State Building Construction Account	8,130	.....	.....
Hospital Wing (\$305,989)			
Institutional Building Construction Account	200,000	.....	.....
State Building Construction Account	90,000	.....	.....
General Fund	15,989	.....	.....
Industrial Bays			
Institutional Building Construction Account	180,000	.....	.....
Administration Building (\$209,475)			
Institutional Building Construction Account	200,000	.....	.....
State Building Construction Account	9,475	.....	.....
Creamery Building (\$91,000)			
Institutional Building Construction Account	66,000	.....	.....
State Building Construction Account	25,000	.....	.....
Replace utility lines, State Building Construction Account	20,000	.....	.....
Reappropriate			
Remodel and renovate old Administration Building	.....	\$14,230	.....
Repair Electrical Lines	.....	17,500	.....
Replace Wall Catwalk	.....	7,000	.....
Total (\$1,853,324)	(\$1,814,594)	(\$38,730)	

FOR THE REFORMATORY

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Steam Plant			
Institutional Building Construction Account	\$125,000	.....	.....
Central Dairy			
State Building Construction Account	34,721	.....	.....

Water Lines, Cell House # 1			
State Building Construction			
Account	25,600	.....	.....
Personnel Housing			
Motor Vehicle	18,000	.....	.....
Provide Sewage Disposal Facilities....	.....	.....	\$125,000
Remodel and Equip Inmate Kitchen..	.....	.....	282,505
Replace Ceiling, Cell Block #1.....	.....	\$20,800	.....
Install Fire Protection in New Dairy and Farm Area .....	.....	8,746	.....
Improve new parking area.....	.....	5,000	.....
Total (\$645,372)	(\$203,321)	(\$34,546)	(\$407,505)
<hr/>			
FOR THE WASHINGTON CORRECTION CENTER			From the State Building Construction (Bonds of 1961)
Construct and equip correctional Insti- tution, including site improvement..	.....	.....	\$7,323,121
<hr/>			
FOR THE JUVENILE RECEPTION— DIAGNOSTIC CENTER			From the State Building Construction (Bonds of 1961)
Remodel and equip Cushman Indian Hospital—Tacoma	\$1,097,920
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FOR FORT WORDEN SCHOOL			From the State Building Construction (Bonds of 1961)
Remodel Diagnostic Cottages to Resi- dential Units .....	.....	.....	\$160,000
Complete and equip Girls' Residential Building .....	.....	.....	106,680
Total (\$266,680) .....	.....	.....	(\$266,680)
<hr/>			
FOR MAPLE LANE SCHOOL			From the State Building Construction (Bonds of 1961)
Security Treatment Building (\$86,000)	Reapprop- riations	.....	.....
Institutional Building Construction	.....	.....	.....
Account	\$ 61,000	.....	.....
State Building Construction	.....	.....	.....
Account	25,000	.....	.....
Classroom Building	.....	.....	.....
State Building Construction	.....	.....	.....
Account	8,000	.....	.....
Sewer System	.....	.....	.....
State Building Construction	.....	.....	.....
Account	40,000	.....	.....

Replace water, sewer, and power utilities .....	.....	.....	\$125,000
Total (\$259,000)	(\$134,000)	.....	(\$125,000)

FOR GREEN HILL SCHOOL			From the State Building Construction (Bonds of 1961)
Recreation Building (\$214,860)	Reapprop- riations		
Institutional Building Construction Account	\$200,000	.....	.....
State Building Construction Account	14,860	.....	.....
Extend water system, steam lines, install boiler .....	.....	.....	\$181,300
Total (\$396,160)	(\$214,860)	.....	(\$181,300)

FOR MARTHA WASHINGTON SCHOOL		From the General Fund	
Enclose Stairwells .....	.....	\$ 5,000	.....

FOR CEDAR CREEK YOUTH FORESTRY CAMP		From the General Fund	
Construct Warehouse Building .....	.....	\$ 2,500	.....

FOR CAPITOL FOREST YOUTH CAMP			From the State Building Construction (Bonds of 1961)
Construct and equip Barracks Building .....	.....	.....	\$195,000

FOR MISSION CREEK YOUTH CAMP			From the State Building Construction (Bonds of 1961)
Construct and equip Vocational Gymnasium Building .....	.....	.....	\$146,851

FOR THE SOLDIERS' HOME AND COLONY			
Hospital Infirmary Type Building		From the General Fund	
State Building Construction Account	Reapprop- riations \$420,000	.....	.....
Install boiler and stoker .....	.....	\$225,000	.....
Remodel Garfield Barracks.....	.....	19,925	.....
Total (\$664,925)	(\$420,000)	(\$244,925)	.....

FOR THE VETERANS' HOME

	Reappropriations	From the General Fund	
Water System	\$ 6,136	.....	.....
General Fund State Building Construction Account	31,600	.....	.....
Improve Power Plant .....	.....	\$ 24,310	.....
Install Ventilating System in Hospital .....	.....	20,000	.....
Total (\$82,046)	(\$ 37,736)	(\$ 44,310)	.....

FOR THE SCHOOL FOR THE BLIND

		From the General Fund	From the State Building Construction (Bonds of 1961)
Replace Electrical Power Distribution .....	.....	\$ 45,000	.....
Construct and equip Superintendent's Residence, including site improvement .....	.....	.....	\$ 35,000
Construct and Equip Physical Education Building and Boiler Plant, including site improvement.....	.....	111,000	318,000
Total (\$509,000) .....	.....	(\$156,000)	(\$353,000)

FOR THE SCHOOL FOR THE DEAF

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Vocational Building Construction Account	\$ 25,124	.....	.....
Vocational Equipment .....	.....	\$ 30,000	.....
Construct and equip Administration Building .....	.....	.....	\$ 33,913
Remodel old Administration Building .....	.....	49,536	.....
Total (\$138,573)	(\$ 25,124)	(\$ 79,536)	(\$ 33,913)

FOR WESTERN HOSPITAL

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Therapy and Recreation Building State Building Construction Account	\$ 8,000	.....	.....
Provide Additional Water Supply ....	.....	.....	\$180,000
Remodel and equip Female Ward Buildings .....	.....	.....	160,000
Remodel and equip Kitchen and Dining Hall .....	.....	.....	300,000
Repair Roofs .....	.....	\$ 30,000	.....
Total (\$678,000)	(\$ 8,000)	(\$ 30,000)	(\$640,000)

FOR NORTHERN HOSPITAL			From the State Building Construction (Bonds of 1961)
Receiving Medical Building (\$1,200,000)	Reappropriations		
Institutional Building Construction			
Account	\$1,000,000	.....	.....
State Building Construction			
Account	200,000	.....	.....
Occupational Therapy Building (\$388,850)			
Institutional Building Construction			
Account	368,850	.....	.....
State Building Construction			
Account	20,000	.....	.....
Recreation Building (\$194,467)			
Institutional Building Construction			
Account	179,467	.....	.....
State Building Construction			
Account	15,000	.....	.....
Addition to Commissary			
Institutional Building Construction			
Account	68,267	.....	.....
Remodel Four Wards			
State Building Construction			
Account	350,000	.....	.....
Construct Addition to and equip			
Laundry Building			\$144,760
Construct Addition to Boiler Plant....			243,706
Total (\$2,590,050)	(\$2,201,584)	.....	(\$388,466)

FOR EASTERN HOSPITAL

Three Incinerators			
State Building Construction	Reappropriations		
Account	\$ 6,000	.....	.....
Six Quonset Huts			
General Fund	15,000	.....	.....
Rehabilitate Geriatrics Building			
State Building Construction			
Account	100,000	.....	.....
Recreation Building (\$241,480)			
Institutional Building Construction			
Account	216,480	.....	.....
State Building Construction			
Account	25,000	.....	.....
Therapy and Recreation Building (\$330,000)			
Institutional Building Construction			
Account	275,000	.....	.....

State Building Construction			
Account	55,000	.....	.....
Total (\$692,480)	(\$692,480)	.....	.....
<hr/>			
FOR LAKELAND VILLAGE			
Boys' and Girls' Hospital			
State Building Construction	Reappropriations	From the	From Fund
Account (\$329,302)	\$259,302	General	Designated
Replace Boiler #2 .....	.....	Fund	\$ 70,000
Remodel and Repair Buildings .....	.....	25,000	.....
Total (\$598,032)	(\$259,302)	(\$268,730)	(\$ 70,000)
<hr/>			
FOR RAINIER SCHOOL			
Sewage Disposal Plant			
State Building Construction	Reappropriations	From the	
Account	\$ 36,311	State	
Farm Buildings	.....	Building	
State Building Construction	.....	Construction	
Account	37,306	(Bonds of	
Water Main	.....	1961)	
State Building Construction	.....	.....
Account	40,000	.....
Remodel and equip Hospital Building	.....	.....
and Administration Offices (Phase	.....	.....
III) .....	.....	\$268,780	
Construct and equip Intensive Treat-	.....	.....
ment Center .....	.....	260,000	
Construct and equip Milk Holding	.....	.....
Room—Main Kitchen .....	.....	53,950	
Total (\$696,347)	(\$113,617)	.....	(\$582,730)
<hr/>			
FOR FIRCREST SCHOOL			
Construct and equip Residential Units	From the
.....	State
.....	Building
.....	Construction
.....	(Bonds of
.....	1961)
.....	\$1,563,360
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FOR THE BOARD OF EDUCATION			
Public School Building Construction			
Public School Building Construc-	Reappropriations	
tion Account	\$30,000,000	.....

FOR THE UNIVERSITY OF WASHINGTON	Reappro- priations	From the University of Washington Building Account	From Fund Designated
Research Computer Laboratory University of Washington Build- ing Account	\$380,000	.....	.....
Construct and equip Library Addi- tion (\$4,587,450)			
Institutional Building Construction Account	1,430,000	.....	.....
University of Washington Building Account	1,500,000	\$1,657,450	.....
Burke Memorial-Washington State Museum (\$630,000)			
University of Washington Building Account	430,000	200,000	.....
Business Administration Unit II (\$1,163,000)			
University of Washington Building Account	1,000,000	163,000	.....
Remodel Guthrie Hall (\$277,300)			
University of Washington Building Account	200,000	77,300	.....
Remodel Miller Hall (\$715,840)			
University of Washington Building Account	250,000	465,840	.....
Power Plant			
University of Washington Building Account	400,000	.....	.....
Remodel and extend tunnels and utili- ties (\$2,372,000)			
University of Washington Building Account	895,000	1,477,000	.....
Construct and equip buildings and grounds—Shops and Central Stores (\$987,850)			
University of Washington Building Account	487,850	500,000	.....
Construct and equip Pharmacy Wing Medical and Dental Building			
Account .....	.....	.....	\$800,000
Remodel Buildings .....	.....	1,030,930	.....
Remodel Architecture Hall .....	.....	112,100	.....
Remodel 3rd and 4th Floor Physics Hall .....	.....	30,830	.....
Improvement at Friday Harbor Laboratory .....	.....	200,000	.....
Site Acquisition for Residence Halls...	.....	250,000	.....
Construct and equip Nuclear Acceler- ator Building .....	.....	500,000	.....

LAWS, EXTRAORDINARY SESSION, 1961.

[Ch. 25.]

Remodel Laboratories Johnson Hall...	67,550		
Construct Forest Products Laboratory State Building Construction Bonds of 1961			500,000
Construct Materials Sciences Building Remodel Bagley Hall State Building Construction Bonds of 1961	3,000,000		1,341,000
Construct Addition to Roberts Hall State Building Construction Bonds of 1961			500,000
Total (\$19,845,850)	(\$6,972,850)	(\$9,732,000)	(\$3,141,000)

FOR WASHINGTON STATE
UNIVERSITY

	Reappropriations	From Fund Designated	From the State Building Construction (Bonds of 1961)
Water Distributing System			
State Building Construction Account	\$ 75,000		
Biological Sciences Building (\$881,795)			
Institutional Building Construction Account	800,000		
State Building Construction Account	81,795		
Chemistry Building (\$613,317)			
Institutional Building Construction Account	566,295		
State Building Construction Account	47,022		
Agricultural Land			
State Building Construction Account	250,283		
Plant Sciences Building (\$198,909)			
General Fund	100,000		
State Building Construction Account	48,909		
Institutional Building Construction Account	50,000		
Technology Building—Engineering Addition "A" (\$1,039,511)			
Institutional Building Construction Account	1,000,000		
State Building Construction Account	39,511		
Veterinary Clinic (\$118,336)			
General Fund	15,446		
State Building Construction Account	102,890		

Alterations and Major Betterment
(\$1,260,000)

Washington State University			
Building Account	\$400,000	\$860,000	.....
Construct and equip Safety Building			
(\$216,000) .....	.....	.....	\$182,000
General Fund .....	.....	34,000	.....
Construct and equip office and Labor-			
atory Building, Boiler Plant—Prosser	.....	.....	1,300,000
Install Additional Boiler and extend			
utilities .....	.....	.....	889,525
Construct and Equip Education			
Building .....	.....	.....	1,469,000
General Fund .....	.....	30,000	.....
Total (\$8,341,676)	(\$3,577,151)	(\$924,000)	(\$3,840,525)

FOR EASTERN WASHINGTON COL-
LEGE OF EDUCATION

	Reapprop- riations	From the General Fund	From the State Building Construction (Bonds of 1961)
Complete installation of elevator Sho- walter Hall (\$29,312) .....	.....	.....	\$ 18,965
State Building Construction			
Account	\$ 10,347	.....	.....
Additional Boiler and lines			
State Building Construction			
Account	119,253	.....	.....
Construct and equip Science Building			
(\$2,473,313) .....	.....	\$169,040	.....
Institutional Building Construction			
Account	2,069,273	.....	.....
State Building Construction			
Account	235,000	.....	.....
Develop and improve recreational field			
Remodel Showalter Hall and Field			
House .....	.....	85,250	.....
Remodel College Buildings.....	.....	132,750	.....
Participation in City of Cheney Sewage			
Project .....	.....	.....	193,600
Purchase land for campus expansion..			
Extend Steam Lines, Water Distribu- tion System, Electrical Distribution System .....	.....	.....	100,000
System .....	.....	.....	286,000
Total (\$3,567,262)	(\$2,433,873)	(\$387,040)	(\$746,349)

FOR CENTRAL WASHINGTON COLLEGE OF EDUCATION

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Library Building (\$756,543)			
Institutional Building Construction Account	\$640,845	.....	.....
State Building Construction Account	115,698	.....	.....
Utilities			
State Building Construction Account	3,900	.....	.....
Install Additional Boiler .....	.....	.....	\$188,300
Repair Buildings .....	.....	\$ 21,912	.....
Construct and equip Music Education Building, including land acquisition (\$1,190,835) .....	.....	90,000	1,100,835
Remodel and equip College Buildings (\$398,000) .....	.....	24,000	374,000
Purchase Land for Campus Expansion .....	.....	.....	100,000
Replace and extend Steam Distribution System and power utility lines.....	.....	.....	213,370
Total (\$2,872,860)	(\$760,443)	(\$135,912)	(\$1,976,505)

FOR WESTERN WASHINGTON COLLEGE OF EDUCATION

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Physical Education Building (\$187,680)			
Institutional Building Construction Account	\$160,826	.....	.....
State Building Construction Account	26,854	.....	.....
Extend and Repair Steam Line, Drainage System .....	.....	.....	\$271,224
Extend Electrical Distribution System .....	.....	.....	171,668
Purchase Land for campus expansion.. ..	.....	.....	115,000
Remodel Buildings .....	.....	\$ 35,000	.....
Construct and equip Classroom Building (\$750,000) .....	.....	.....	750,000
Construct and Equip Library Addition (\$950,000) .....	.....	155,600	794,400
Total (\$2,480,572)	(\$187,680)	(\$190,600)	(\$2,102,292)

FOR THE PARKS AND RECREATION COMMISSION

	Reappropriations	From the Parks and Parkway Account	
Dash Point State Park (\$88,000).....	\$ 10,000	\$ 78,000	.....
Fort Canby State Park.....	.....	45,000	.....
Fort Ward State Park .....	.....	100,000	.....
Lake Osyoos State Park.....	.....	32,000	.....

Rockport State Park.....		40,000	.....
Lake Newport State Park.....		35,000	.....
Yakima State Park.....		48,000	.....
Mount Spokane State Park.....		45,000	.....
Conconully State Park.....		18,000	.....
Dosewallips River State Park.....		54,000	.....
Fort Simcoe State Park.....		20,000	.....
Paradise Point State Park (\$65,800)...	9,800	56,000	.....
Sacajawea State Park (\$44,100).....	7,100	37,000	.....
Belfair State Park.....		42,000	.....
Ocean City State Park.....		25,000	.....
Birch Bay State Park.....		32,000	.....
Pearrygin Lake State Park.....		24,000	.....
Mount Pilchuck State Park.....		48,000	.....
Alta Lake State Park (\$59,100).....	22,100	37,000	.....
Brooks Memorial State Park.....		25,000	.....
Lake Sammamish State Park.....		42,000	.....
Millersylvania State Park.....		41,000	.....
Sun Lakes States Park.....		65,000	.....
Deception Pass State Park.....		61,000	.....
Fort Flagler State Park.....		28,000	.....
Riverside State Park and the vicinity, which is identified as Fort George Wright; (\$78,500).....	10,500	68,000	.....
Camano Island State Park.....		35,000	.....
Lake Cushman State Park.....		28,000	.....
Easton Reservoir State Park (\$58,700).	37,700	21,000	.....
Kopachuck State Park (\$34,000).....	11,000	23,000	.....
Beacon Rock State Park (\$16,000)....	13,000	3,000	.....
Blake Island State Park.....		20,000	.....
Bridgeport State Park.....		25,000	.....
Lake Chelan State Park (\$23,000)....	5,000	18,000	.....
Penrose Point State Park.....		20,000	.....
Sequest State Park.....		15,000	.....
South Whidbey State Park.....		23,000	.....
Fields' Spring State Park.....		11,000	.....
Crawford Cave State Park.....		5,000	.....
Twanoh State Park.....		15,000	.....
Twinharbors State Park (\$41,000)....	6,000	35,000	.....
Moran State Park.....		23,000	.....
Lake Sylvia State Park.....		12,000	.....
Curlew Lake State Park.....		42,000	.....
Fort Columbia State Park.....		10,000	.....
Fort Okanogan State Park.....		10,000	.....
Ginkgo State Park.....		10,000	.....
Larrabee State Park.....		10,000	.....
Kamiak Butte State Park.....		20,000	.....
Ledbetter Point State Park.....		10,000	.....
Old Fort Townsend State Park.....		21,000	.....
Fort Casey State Park.....		23,000	.....

Moses Lake State Park.....	15,000	.....
Sequim Bay State Park.....	10,000	.....
Lake Wenatchee State Park (\$26,000) .	4,000	22,000
Bogachiel State Park.....	12,000	.....
Bridle Trails State Park.....	6,000	.....
Bush Pacific Pioneer State Park.....	5,000	.....
Fay Bainbridge State Park.....	5,000	.....
Mayfield Lake State Park.....	25,000	.....
Mukilteo State Park.....	5,000	.....
Schafer State Park.....	5,000	.....
Federation Forest State Park.....	10,000	.....
Steamboat Rock State Park (\$44,600) .	26,600	18,000
Potholes State Park (\$19,700).....	4,700	15,000
Snohomish County Vicinity.....	16,000	.....
Prehistoric Caves, Lower Grand Coulee	30,000	.....
Jones Beach	6,000	.....
Lake Chelan Vicinity.....	34,000	.....
East Wenatchee	48,000	.....
Potlach Vicinity	35,000	.....
Minerva Beach State Park.....	30,000	.....
Lewis & Clark State Park.....	9,400	.....
Peace Arch State Park.....	4,600	.....
Archeological Investigations	25,000	.....
Develop Boat Moorage at Langley and repair dock and develop Moorage at Olga	30,000	.....
Develop Boat Moorages and Launch- ings: <i>Provided</i> , That these funds shall be expended in new acquisitions and developments in addition to presently authorized state parks.	20,000	.....
Develop Group Camp Facilities: <i>Pro- vided</i> , That not less than \$25,000 shall be expended for overnight roadside camping facilities	50,000	.....
Historical Sites and Markers.....	50,000	.....
Purchase or develop park sites.....	75,000	.....
Total (\$2,417,500)	(\$181,500)	(\$2,236,000)

FOR THE DEPARTMENT OF COM-
MERCE AND ECONOMIC
DEVELOPMENT

Century 21 Exposition World Fair Fund	Reappro- priations \$2,658,000
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FOR THE DEPARTMENT OF
FISHERIES

	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Install Fish Passage			
Facilities (\$110,000)		\$ 80,000	
General Fund	\$ 30,000		
Construct Fish Farms, Hatcheries. Expand and improve existing Hatcheries, Fish Facilities (\$1,065,960) (100% Reimbursable)		788,460	
General Fund (100% Reimbursable)	277,500		
Construct Fish Farms, Spawning Channels, Purchase Land, Fish Farm study and Engineering, Fishways, Emergency Repairs to Structures (\$629,600)		548,600	
General Fund	81,000		
Remodel Oyster Production and Research Laboratory			\$ 24,700
Renovate Deception Pass Marine Station (\$20,400)			15,400
State Building Construction Account	5,000		
Construct new and improve existing Salmon Hatchery facilities (\$972,104)		9,270	765,534
General Fund	195,300		
State Building Construction Account	2,000		
Improvements to Fishways, Spawning Channels, Rearing Ponds (\$69,200)..			41,800
General Fund	27,400		
Total (\$2,891,964)	(\$618,200)	(\$1,426,330)	(\$847,434)

FOR THE DEPARTMENT OF GAME

		From the Game Fund	
Acquisition of Land		\$400,000	
Repairs and Replacement of Fish and Game Protective Facilities.....		200,000	
Construct and equip brooder houses and pens at game farms.....		33,000	
Renovate Spokane Hatchery.....		150,000	
Construct and equip Fish and Game Rearing Protective Facilities.....		1,000,000	
Purchase or construct district headquarters buildings		52,000	
Improvements to Game Ranges and Farms		185,600	
Total (\$2,020,600)		(\$2,020,600)	

FOR THE DEPARTMENT OF NATURAL RESOURCES	Reappropriations	From the General Fund	From the State Building Construction (Bonds of 1961)
Improvements to Webster Nursery (\$80,640) .....	.....	\$ 5,640	\$ 69,500
State Building Construction Account	\$ 5,500	.....	.....
Additions to Honor Camps Youth Camps (\$46,000) .....	.....	.....	36,000
State Building Construction Account	10,000	.....	.....
Clear Water Access Road General Fund	60,000	.....	.....
Timber Access Roads, Rights of Way (\$226,700) .....	.....	.....	220,000
Forest Development	6,700	.....	.....
Range Improvements .....	.....	10,000	.....
Construct and equip Lookout Towers.. Construct, improve and equip build- ings (\$595,550) .....	.....	83,560	.....
.....	.....	39,550	556,000
Total (\$1,102,450)	(\$ 82,200)	(\$138,750)	(\$881,500)

FOR THE DEPARTMENT OF AGRICULTURE		From the General Fund	
Construct and equip Greenhouse, Wash- ington State Nursery, Bellingham...	.....	\$ 30,000	.....

FOR THE DEPARTMENT OF EM- PLOYMENT SECURITY	Reappropriations		
Central or local office building General Fund	\$2,450,000	.....	.....

FOR THE HEALTH DEPARTMENT			From the State Building Construction (Bonds of 1961)
Remodel Edgecliff Sanatorium .....	.....	.....	\$230,000

“Capital improvement”, “capital project” defined.

SEC. 2. The words “capital improvement” or “capital project” used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

Funds to be allotted before obligations incurred.

SEC. 3. Before a capital project shall begin or an obligation incurred or contract entered into, the budget director, with the approval of the governor, shall first allot funds therefor or so much as may be necessary from the appropriations made herein.

Disposition of federal funds.

SEC. 4. Additional federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the governor for capital projects included in the capital budget. In addition, the governor may receive and allot any federal funds made available for capital outlay at any one of the five institutions of higher education: *Provided*, That if any of the projects contained in this act qualify for such federal funds, the amount of state funds not required are hereby appropriated to projects in the 1963-65 capital program for that institution to be designated by the governor on the basis of priority in the program and funds available on the advice of the governing board of the institution.

Responsibility assignable.

SEC. 5. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

Reappropriations limited.

SEC. 6. Reappropriations shall be limited to the unexpended balances remaining at June 30, 1961, in the current appropriation for each project.

Transfer of excess project funds to another project.

SEC. 7. The governor, through the buget director may authorize the transfer of funds appropriated for a capital project which are in excess of the amount

required for the completion of such project, to other capital projects in this act for which there are insufficient appropriations: "Provided, That no such transfer shall be used to expand the capacity of any facility beyond that anticipated by the appropriation: *Provided further*, That although such transfers may be made between institutions of the department of institutions they shall not be made between different departments, commissions, or institutions of higher learning."

SEC. 8. Any capital improvement or capital project for construction, repair, or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: *Provided*, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred dollars, nor to portions of projects involving inmate labor at a state institution.

Contracts—
After public
notice, com-
petitive bid—
Exceptions.

Passed the Senate March 31, 1961.

Passed the House March 31, 1961.

Approved by the Governor April 3, 1961.

CHAPTER 26.

[S. B. 1.]

BUDGET AND APPROPRIATIONS.

AN ACT Adopting the budget; making appropriations and re-appropriations for the operation of state agencies and for miscellaneous purposes; and declaring an emergency.

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

SECTION 1. That a budget is hereby adopted and subject to the provisions hereinafter set forth the

Budget--
Appropri-
ations.

several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1961, and ending June 30, 1963, out of the several funds of the state hereinafter named.

STATE TREASURER—STATE REVENUES
FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$710,000
General Fund Appropriation for public utility district excise tax distribution	\$3,530,880
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$290,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution.....	\$8,000,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution.....	\$9,385,000
Motor Vehicle Fund Appropriation for motor vehicle fuel tax distribution.....	\$63,439,400

STATE TREASURER—FEDERAL REVENUES
FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	\$10,250
General Fund Appropriation for federal flood control funds distribution.....	\$15,000
Forest Reserve Fund Appropriation for forest reserve fund distribution.....	\$12,500,000

STATE TREASURER—BOND RETIREMENT
AND INTEREST

Capitol Building Bond Redemption Fund Appropriation	\$543,388
Institutional Building Bond Redemption Fund of 1949 Appropriation.....	\$2,551,168
Highway Bond Retirement Fund Appropriation	\$15,798,965
Public School Building Bond Redemption Fund Appropriation	\$5,103,371
Public Schools Building Bond Redemption Fund of 1955 Appropriation.....	\$4,478,500
Public Schools Building Bond Redemption Fund	

of 1957 Appropriation.....	\$9,235,200
School Emergency Construction Bond Redemption Fund Appropriation.....	\$5,082,263
State Building Construction Bond Redemption Fund Appropriation	\$7,310,770
University of Washington Bond Redemption Fund Appropriation	\$1,728,838
War Veterans' Compensation Bond Retirement Fund Appropriation	\$8,956,081
World Fair Bond Redemption Fund Appropriation	\$1,820,750
Institutional Building Bond Redemption Fund of 1957 Appropriation	\$3,378,880
Public School Building Bond Redemption Fund of 1959 Appropriation.....	\$4,984,101
General Administration Bond Retirement Fund Appropriation	\$607,300
Public School Building Bond Redemption Fund of 1961 Appropriation	\$888,125

STATE LEGISLATURE

General Fund Appropriation	
Senate Expenses and salaries of members....	\$133,908
House of Representatives Expenses and Salaries of members.....	\$268,500
Membership and dues in National Conference of State Legislative Leaders.....	\$2,000
Legislative Council: <i>Provided</i> , That \$25,000 shall be made available to carry out the provisions of Engrossed House Bill No. 28, as passed by the House of Representatives during the 37th Legislature, Regular Session: <i>Provided</i> , That \$30,000 shall be made available to carry out the provisions of Senate Concurrent Resolution No. 9, as passed by the 37th Legislature, Regular Session....	\$218,584
Legislative Budget Committee.....	\$115,470

PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation	\$256,900
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SUPREME COURT

General Fund Appropriation.....	\$723,646
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COURT ADMINISTRATOR

General Fund Appropriation	\$66,082
General Fund Appropriation for *[salary of] Superior Court Judges.....	\$1,103,103

*Words in brackets vetoed.

General Fund Appropriation	
Judges' Retirement Fund Contributions.....	\$159,900
Additional Judges' Retirement Fund Contributions in accordance with RCW 2.12.070..	\$102,000

JUDICIAL COUNCIL

General Fund Appropriation.....	\$10,015
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LAW LIBRARY

General Fund Appropriation.....	\$172,850
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OFFICE OF THE GOVERNOR

General Fund Appropriation	
Executive Operations	\$223,976
Investigation and Emergency Purposes—to be distributed on vouchers approved by the Governor	\$16,000
Extradition Expenses (Including prior claims)	\$52,000
Mansion Maintenance	\$30,000

SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation	
Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency.....	\$2,500,000
Council of State Governments.....	\$17,500
Surveys and installation, available for expenditure of allotment by the Governor....	\$275,000
For salary adjustments to be allotted to the agencies to implement the salary survey findings adopted by the State Personnel Board in 1960.....	\$1,951,464
To be allocated by the Governor to the Department of Institutions Division of Mental Health in the event that appropriations otherwise available are insufficient	\$500,000

LIEUTENANT GOVERNOR

General Fund Appropriation	\$32,416
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SECRETARY OF STATE

General Fund Appropriation: <i>Provided</i> , That \$150,000 shall be available only for the certification of initiatives and referenda (including the maintenance of the permanent registration records for this purpose), the printing, addressing and mailing of the voters' pamphlets and the advertising of the proposed constitutional amendments.....	\$642,190
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STATE TREASURER

General Fund Appropriation.....	\$380,335
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STATE AUDITOR

General Fund Appropriation	
State Auditor	\$720,224
Payment for supplies furnished in previous bienniums	\$100,000
Payment of L. I. D. assessments.....	\$75,000
Criminal cost bills.....	\$25,000
Motor Vehicle Fund Appropriation	
State Auditor	\$36,503

ATTORNEY GENERAL

General Fund Appropriation: <i>Provided</i> , That \$25,000 shall be made available to carry out the provisions of chapters 216 and 189, Laws of 1961	\$795,224
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CENTRAL BUDGET AGENCY

General Fund Appropriation.....	\$858,812
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CAPITOL COMMITTEE

General Fund — Capitol Building Construction Account Appropriation	\$10,000
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CENSUS BOARD

General Fund Appropriation.....	\$21,000
Motor Vehicle Excise Fund Appropriation.....	\$37,000

BOARD AGAINST DISCRIMINATION

General Fund Appropriation.....	\$105,232
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STATE EMPLOYEES' RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation	\$514,883
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FINANCE COMMITTEE

General Fund Appropriation.....	\$49,640
Motor Vehicle Fund Appropriation: <i>Provided</i> , That this expenditure be used solely for ex- penses incident to the issuance and sale of motor vehicle fuel tax revenue bonds.....	\$47,000
General Fund — State Building Construction Appropriation: <i>Provided</i> , That expenditures from this appropriation shall be limited to one-tenth of one percent of the bonds author- ized by Engrossed Senate Bill No. 5, 37th Legislature, First Extraordinary Session.....	\$28,000

TAX COMMISSION

General Fund Appropriation: *Provided*, That funds received as reimbursements pursuant to chapter 84.41 RCW are hereby appropriated to the Tax Commission in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1963, may be allotted in advance of receipt \$5,993,689

UNIFORM LAW COMMISSION

General Fund Appropriation..... \$3,585

LIQUOR CONTROL BOARD

General Fund Appropriation \$13,097,731

DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation \$3,240,718

General Fund Appropriation to complete exterior lighting and improve electrical wiring on the legislative building \$25,000

DEPARTMENT OF INSTITUTIONS—HEADQUARTERS

General Fund Appropriation: *Provided*, That no part thereof shall be allocated for expenditures of the Bureau of Criminal Identification \$2,048,469

General Fund—Probation Service Account Appropriation to carry out the provisions of Chapter 145, Laws of 1961..... \$35,000

General Fund Appropriation to carry out the provisions of Chapter 251, Laws of 1961..... \$30,000

INSURANCE COMMISSIONER

General Fund Appropriation..... \$1,002,512

ACCOUNTANCY BOARD

General Fund Appropriation..... \$100,000

AERONAUTICS COMMISSION

General Fund Appropriation..... \$101,770

ATHLETIC COMMISSION

General Fund Appropriation..... \$15,000

CEMETERY BOARD

General Fund—Cemetery Account Appropriation \$7,100

BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation..... \$426,584

Medical Aid Fund Appropriation..... \$426,584

PHARMACY BOARD

General Fund Appropriation..... \$107,042

PUGET SOUND PILOTAGE COMMISSION	
General Fund—Puget Sound Pilotage Account Appropriation	\$6,600
POLLUTION CONTROL COMMISSION	
General Fund Appropriation.....	\$454,137
PUBLIC SERVICE COMMISSION	
Public Service Revolving Fund Appropriation..	\$2,959,928
BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen's Relief and Pension Fund Appropriation	\$18,695
STATE PATROL	
Highway Safety Fund Appropriation.....	\$2,753,611
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$9,426,991
Highway Safety Fund Appropriation—Retire- ment Fund Contributions.....	\$707,598
DEPARTMENT OF CIVIL DEFENSE	
General Fund Appropriation.....	\$1,246,949
DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund Appropriation: <i>Provided</i> , That \$500 shall be used by the Director for ex- penses of entering into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state.....	\$10,002,246
General Fund—Electrical License Account Appropriation	\$472,388
Accident Fund Appropriation.....	\$1,580,241
Medical Aid Fund Appropriation.....	\$4,780,789
DEPARTMENT OF LICENSES	
General Fund Appropriation	\$760,708
General Fund Appropriation for the Medical Disciplinary Board	\$15,000
General Fund—Optometry Account Appropriation	\$4,882
General Fund—Opticians Account Appropriation	\$4,483
General Fund—Real Estate Commission Account Appropriation	\$486,428
General Fund—Commercial Automobile Driver Training Schools Account Appropriation....	\$4,186
General Fund—Parks and Parkways Account Appropriation	\$50,000

LAWS, EXTRAORDINARY SESSION, 1961.

General Fund—Architects' License Account	
Appropriation	\$19,353
General Fund—Professional Engineers' Account	
Appropriation	\$50,000
General Fund—Sanitarians' Licensing Account	
Appropriation	\$4,081
Motor Vehicle Fund Appropriation.....	\$4,601,523
Highway Safety Fund Appropriation.....	\$1,402,076

MILITARY DEPARTMENT

General Fund Appropriation.....	\$1,786,992
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BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation.....	\$1,632,880
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DEPARTMENT OF INSTITUTIONS—PENITENTIARY

General Fund Appropriation.....	\$6,080,589
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DEPARTMENT OF INSTITUTIONS—REFORMATORY

General Fund Appropriation.....	\$4,483,836
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DEPARTMENT OF INSTITUTIONS—FORESTRY
HONOR CAMPS

General Fund Appropriation.....	\$892,874
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DEPARTMENT OF INSTITUTIONS—MAPLE
LANE SCHOOL

General Fund Appropriation.....	\$1,718,510
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DEPARTMENT OF INSTITUTIONS—MARTHA
WASHINGTON SCHOOL

General Fund Appropriation.....	\$585,800
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DEPARTMENT OF INSTITUTIONS—GREEN
HILL SCHOOL

General Fund Appropriation.....	\$2,035,900
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DEPARTMENT OF INSTITUTIONS—LUTHER
BURBANK SCHOOL

General Fund Appropriation.....	\$860,753
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DEPARTMENT OF INSTITUTIONS—JUVENILE
RECEPTION—DIAGNOSTIC CENTER

General Fund Appropriation.....	\$1,200,000
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DEPARTMENT OF INSTITUTIONS—FORT
WORDEN SCHOOL

General Fund Appropriation: <i>Provided</i> , That \$10,000 shall be made available for the pur- chase of land and building situated in Jeffer- son County adjacent to the Fort Worden School	\$2,591,906
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DEPARTMENT OF INSTITUTIONS—YOUTH
FORESTRY CAMPS

General Fund Appropriation..... \$1,512,113

DEPARTMENT OF INSTITUTIONS—JUVENILE
PAROLE SERVICE

General Fund Appropriation..... \$776,388

DEPARTMENT OF INSTITUTIONS—JUVENILE
DELINQUENCY PREVENTION AND CONTROL

General Fund Appropriation \$738,924

VETERANS' REHABILITATION COUNCIL

General Fund Appropriation..... \$489,599

DEPARTMENT OF INSTITUTIONS—SOLDIERS'
HOME AND COLONY

General Fund Appropriation: *Provided*, That no part of this appropriation shall be used for the care and maintenance of members in the home having a yearly pension income of over \$900 or with assets of over \$900 unless all income and assets in excess of these amounts are paid into the general fund: *Provided*, That the director of the Department of Institutions may waive the foregoing proviso, for all, or such portion of income over \$900, as may be necessary to provide such medical care as is not furnished by the Department for such member

\$905,214

DEPARTMENT OF INSTITUTIONS—
VETERANS' HOME

General Fund Appropriation: *Provided*, That no part of this appropriation shall be used for the care and maintenance of members in the home having a yearly pension income of over \$900 or with assets of over \$900 unless all income and assets in excess of these amounts are paid into the general fund: *Provided further*, That the director of the Department of Institutions may waive the foregoing proviso, for all, or such portion of income over \$900, as may be necessary to provide such medical care as is not furnished by the Department for such member.....

\$2,000,000

DEPARTMENT OF INSTITUTIONS—SCHOOL
FOR THE BLIND

General Fund Appropriation..... \$863,067

LAWS, EXTRAORDINARY SESSION, 1961.

DEPARTMENT OF INSTITUTIONS—SCHOOL FOR THE DEAF

General Fund Appropriation..... \$1,736,069

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

General Fund Appropriation..... \$20,000

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation: *Provided*, That \$22,428,567 shall be available exclusively for administration including salaries, wages and operations; \$60,246,845 shall be available for old age assistance exclusive of burial costs and exclusive of nursing home and other medical care costs; and \$147,324,588 shall be available for burial costs, foster care, nursing home, and other medical care costs and for assistance grants exclusive of old age assistance grants: *Provided*, That there is specifically earmarked the following specified amounts for the support of the following named hospitals: King County Hospital \$9,223,369, Pierce County Hospital \$3,215,989, Clark County Hospital, \$1,072,106, Whatcom County Hospital \$752,750: *Provided*, That there is specifically earmarked the following specified amount for nursing home costs and county infirmaries \$32,416,892 of which not more than \$956,735 shall be expended for county infirmaries: *Provided*, That there is specifically earmarked the following specified amount for aid to dependent children, aid to the permanently and totally disabled and general assistance, exclusive of burial costs and exclusive of nursing home and other medical care costs \$69,155,177: *Provided*, That there is specifically earmarked the following amount for foster care \$6,740,784 of which no more than \$135,000 may be expended to provide any foster home care authorized under the provisions of the Juvenile Court Act: *Provided*, That if federal grants for the council on the aging are received they may be made available by allotment of the governor..... \$230,000,000

The department of public assistance is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance,

to adjust assistance payments if necessary and to effect all economies possible in the administration of such programs during the 1961-1963 biennium in order that expenditures for said biennium shall not exceed the funds herein appropriated: *Provided*, That the standards of assistance for any payments from this appropriation for applicants or recipients shall be limited, except in special circumstances, to reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance and necessary incidentals, and the department shall review amounts allowed as special additional requirements at least twice annually so as to better control allowances made for additional requirements: *Provided*, That payments to applicants or recipients from this appropriation shall not be increased due to increased costs of living unless funds are available: *Provided*, That the department shall not enter into contracts obligating the department to pay increased rates for supplies or services unless it has been clearly determined that adequate funds are available to provide for the increased rates during the remainder of the biennium, and in no event shall the department enter into a contract to pay increases in rates to suppliers of goods or services except hospital care before July 1, 1962: *Provided*, That no payments of general assistance shall be made from this appropriation unless the applicant or recipient for general assistance has resided in the State of Washington for three out of the last four years immediately preceding the date of application: *Provided*, That the director may make payments of emergency general assistance to an applicant or recipient notwithstanding the residence provision above for a period of not to exceed ninety days if a denial of assistance would cause undue hardship: *Provided*, That unemployable persons shall not be eligible for a general assistance grant payable from this appropriation unless they are substantially incapacitated from gainful employment: *Provided*, That the director may expend assistance funds for the purpose of moving employable applicants or recipients from an area within the state where work is not avail-

able to another area within the state where employment is determined to be available and in a field not currently involved in a labor dispute. The department in carrying out this provision shall cooperate with the Department of Employment Security to the greatest extent possible. Any applicant or recipient who shall refuse to move without good cause pursuant to this provision shall be ineligible to receive general assistance: *Provided*, That no payments of aid to dependent children assistance shall be made from this appropriation on behalf of an employable parent or relative with whom the child lives unless the director of public assistance determines that the employment of the parent or relative with whom the child lives would result in danger and/or substantial impairment to the physical or mental wellbeing of the child: *Provided*, That where a dependent child is living with a parent and a step-parent, the income and resources of such step-parent shall be taken into consideration in determining the eligibility of the dependent child in the same manner as the income and resources of the dependent child or any other member of the family group. A natural parent is not relieved of any legal obligation to support his children by operation of this provision: *Provided*, That where a dependent child is living with a parent and a person assuming the status of spouse, the income and resources of such person assuming the status of spouse shall be taken into consideration in determining the eligibility of the dependent child in the same manner as the income and resources of the dependent child or any other member of the family group. A person shall be presumed to be assuming the status of spouse whenever such person and the parent shall hold themselves out to the community at large as husband and wife. A natural parent is not relieved of any legal obligation to support his children by operation of this provision: *Provided*, That the director may establish the standards of assistance to be used in the determination of financial need and payment of grants to applicants for and recipients of aid to dependent children who are employable: *Provided*, That the depart-

ment shall revise downward the standards of income and resources that may be exempted in considering the ability of parents to support children who are placed in foster care by the department and/or voluntary agencies so as to decrease the amounts paid from state funds: *Provided*, That the department shall audit the amounts of support being paid by parents of children periodically: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That no funds shall be paid from this appropriation for physician services on a contract basis unless the contract provides that the state will receive sufficient statistical information to determine and evaluate the cost of physicians services for each category of public assistance recipients. No funds shall be paid from this appropriation for county hospitals and county infirmaries unless such hospitals and infirmaries provide the department of public assistance with sufficient statistical information to determine and evaluate the cost of providing services for each category of public assistance recipients: **[Provided, That no payments from this appropriation, other than ninety-day emergency care in cases of undue hardship, shall be made to or on behalf of an applicant for, or recipient of general assistance or medical indigent care for persons under sixty-five years of age, who are residing within the boundaries of the state of Washington and who are not subject to the jurisdiction of the state of Washington:]* *Provided*, That funds may be expended from this appropriation to purchase drugs on a bid basis: *Provided*, That if any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet federal re-

*Proviso in brackets vetoed.

quirements which are a necessary condition to the receipt of federal funds by the state. General Fund Appropriation—To be allotted to the Governor for the Department of Public Assistance at the discretion of the Governor to support the aid to dependent children program to cover the needs of children who have been deprived of parental support or care by reason of the **unemployment of a parent** and contingent upon the receipt of anticipated federal matching funds for this purpose: *Provided*, That if this appropriation is allotted as provided above, the bar on payments to or on behalf of an employable parent or relative from the aid to dependent children program provided for elsewhere in this act shall be of no force and effect and any such person may be included in the aid to dependent children program if otherwise eligible and if such parent or relative does not refuse to accept available employment within his capacity: *Provided*, That \$1,104,858 of this appropriation shall be available exclusively for administration including salaries, wages and operations \$11,089,458

SUPERINTENDENT OF PUBLIC INSTRUCTION
(Including Board of Education)

General Fund—Public School Building Construction Account Appropriation..... \$1,050

General Fund Appropriations
Office of Superintendent of Public Instruction and Board of Education: *Provided*, That \$150,000 shall be available only for research in public schools for which a detailed report on projects and expenditures shall be submitted to the legislature during January, 1963: *Provided*, That \$50,000 shall be available for use in accordance with chapter 116, Laws of 1961: *Provided*, That \$24,000 shall be available only for assistance to blind students pursuant to RCW 28.76.130..... \$1,885,782
Aid to handicapped children and research related to educational services for exceptional children: *Provided*, That expenditures from this appropriation for pupils in schools in state institutions shall be limited to the education of children who meet criteria of educability to be established by the

state board of education: * <i>Provided, That these funds may not be used to support the employment of any certificated personnel to work with children who do not meet such standards of educability</i>	\$7,867,088
Education of Indian children.....	\$140,000
School lunch and school milk programs.....	\$7,200,000
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958)	\$2,787,754
Allocation to County Superintendents of Schools	\$500,000
Distribution to counties, equalization.....	\$26,500,000

} *Proviso in brackets vetoed.

Distribution to counties for school districts, in accordance with the provisions of chapter 141, Laws of 1945, and acts amendatory or supplementary thereto, \$359,200,800 (being \$7,000,000 from the current school fund and \$352,200,800 from the general fund): *Provided, That the equalization level of a school district for any equalization payment made from these appropriations shall be fifty-one-and-a-half cents times the total number of days attendance credit for the district computed on the basis of the estimate of attendance provided for in RCW 28.41.060 and on the basis of the factors prescribed in RCW 28.41.070 and adjusted, if necessary, to provide a minimum of forty-five hundred days of attendance credit for each educational unit to be maintained by the district during the school years 1961-1962 and 1962-1963: Provided, That apportionment on the attendance credit basis shall be forty-five cents per day: Provided, That the apportionment on the educational unit basis shall be \$2,541.77 for 1961-1962 and \$2,852.57 for 1962-1963: Provided, That no part of these appropriations shall be used to supplement or implement any regulation of the board of education promulgated after January 1, 1957: Provided, That the total apportionment to a school district for the year shall be reduced for each school year by the amount that its revenue as prescribed in RCW 28.41.080 exceeds one and one-third times the equalization level defined: Provided, That no more than \$5,600,000 of these appropriations shall be used for ratable state support of kindergartens: Provided, That none of these appropriations shall be expended for*

adult evening classes unless such classes have been approved by the board of education: *Provided*, That no part of this appropriation shall be distributed to any school district until it has certified to the superintendent of public instruction that all full time certificated employees are being paid not less than \$4,200 per year: *Provided*, That none of these appropriations shall be used for salary increases or for special programs for superior teaching performance unless the contract of such teacher shall require not less than 185 days of actual service during each of 1961-1962 and 1962-1963, at least 180 days of which must be devoted exclusively to teaching and incidentally assigned duties during school hours and the remaining time may, in the discretion of the district, be devoted to additional teaching, job training, curriculum development, research and planning, counseling, and other professional teacher's activities: *Provided*, That not to exceed \$1,130,000 shall be an apportionment to equalization districts at fifty-four dollars per pupil for any increase in the school enrollment of the district in excess of five percent between October first of the current school year and October first of the preceding school year: *Provided*, That \$25,289,305 of this appropriation is intended only for salary increases for certificated classroom teaching personnel at the average rate of \$283 in 1961-1962 and \$333 additional in 1962-1963.

General Fund Appropriation	\$352,200,800
Current School Fund Appropriation.....	\$7,000,000

STATE BOARD FOR VOCATIONAL
EDUCATION

General Fund Appropriation.....	\$5,563,440
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TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation.....	\$313,908
General Fund Appropriation	
Contribution to Teachers' Retirement Fund..	\$11,682,000
Contribution to Teachers' Retirement Pension Reserve Fund	\$12,679,000

UNIVERSITY OF WASHINGTON

General Fund Appropriation.....	\$55,693,822
Motor Vehicle Excise Fund Appropriation.....	\$214,580

WASHINGTON STATE UNIVERSITY	
General Fund Appropriation.....	\$31,932,872
EASTERN WASHINGTON COLLEGE OF EDUCATION	
General Fund Appropriation.....	\$4,715,587
CENTRAL WASHINGTON COLLEGE OF EDUCATION	
General Fund Appropriation.....	\$4,806,695
WESTERN WASHINGTON COLLEGE OF EDUCATION	
General Fund Appropriation.....	\$6,149,906
STATE LIBRARY	
General Fund Appropriation.....	\$978,743
WASHINGTON STATE HISTORICAL SOCIETY	
General Fund Appropriation.....	\$116,218
EASTERN WASHINGTON HISTORICAL SOCIETY	
General Fund Appropriation.....	\$74,667
STATE CAPITOL HISTORICAL ASSOCIATION	
General Fund Appropriation.....	\$49,502
DEPARTMENT OF HEALTH	
General Fund Appropriation for tuberculosis hospitalization and control; state aid to counties	\$4,761,081
General Fund Appropriation provided that of this sum \$250,000 shall be paid by the liquor control board from its receipts which shall be transferred into the general fund prior to July 1, 1962	\$6,570,624
DEPARTMENT OF INSTITUTIONS—MENTAL HEALTH RESEARCH INSTITUTE	
General Fund Appropriation.....	\$365,000
DEPARTMENT OF INSTITUTIONS— EASTERN HOSPITAL	
General Fund Appropriation.....	\$8,878,511
DEPARTMENT OF INSTITUTIONS— NORTHERN HOSPITAL	
General Fund Appropriation.....	\$8,860,292

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DEPARTMENT OF INSTITUTIONS— WESTERN HOSPITAL	
General Fund Appropriation.....	\$12,184,485
DEPARTMENT OF INSTITUTIONS— LAKELAND VILLAGE	
General Fund Appropriation.....	\$5,000,000
DEPARTMENT OF INSTITUTIONS— RAINIER SCHOOL	
General Fund Appropriation.....	\$7,732,423
DEPARTMENT OF INSTITUTIONS— FIRCREST SCHOOL	
General Fund Appropriation.....	\$3,987,500
DEPARTMENT OF INSTITUTIONS— YAKIMA VALLEY SCHOOL	
General Fund Appropriation.....	\$1,588,494
PARKS AND RECREATION COMMISSION	
General Fund — Parks and Parkways Account Appropriation: <i>Provided</i> , That \$50,000 thereof shall be available to carry out the provisions of Chapter 215, Laws of 1961: <i>Provided</i> , That \$500 shall be made available for the Columbia River Gorge Commission.....	\$3,109,935
General Fund — Millersylvania Park Current Account Appropriation	\$400
Motor Vehicle Fund Appropriation for mainte- nance of vehicular roads, highways and bridges within state parks.....	\$150,000
DEPARTMENT OF CONSERVATION	
General Fund Appropriation: <i>Provided</i> , That \$85,000 thereof shall be available for flood control purposes	\$1,830,418
General Fund—Reclamation Revolving Account Appropriation	\$308,186
General Fund—Weather Modification Board Re- volving Account Appropriation.....	\$2,000
DEPARTMENT OF FISHERIES	
General Fund Appropriation	\$5,959,139
General Fund—Lewis River Hatchery Account Appropriation	\$28,000
DEPARTMENT OF GAME	
Game Fund Appropriation provided that not more than \$40,000 shall be expended for pay- ment of game animal damages and expense..	\$9,108,330

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

General Fund Appropriation: *Provided*, That
\$10,000 shall be made available for a study of
over-night facilities in Mt. Rainier National
Park \$2,198,947

BOARD OF NATURAL RESOURCES

General Fund Appropriation..... \$20,000

DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation: *Provided*, That
\$1,771,281 hereof shall only be available for
the conduct of honor camp forest rehabilita-
tion programs \$7,838,186
General Fund—Forest Development Account
Appropriation \$450,000
General Fund Appropriation to the Contingency
Forest Fire Suppression Account..... \$200,000
General Fund—Contingency Forest Fire Sup-
pression Account Appropriation..... \$200,000
General Fund—Resource Management Cost Ac-
count Appropriation \$500,000

DEPARTMENT OF AGRICULTURE

General Fund Appropriation \$2,300,263
General Fund—Egg Inspection Account
Appropriation \$266,057
General Fund—Feed and Fertilizer Account
Appropriation \$7,496
General Fund—Commercial Feed Account
Appropriation \$57,079
General Fund—Seed Inspection Account
Appropriation \$195,334
General Fund—Fertilizer, Agricultural Mineral
and Lime Account Appropriation..... \$140,875
General Fund—Nursery Inspection Account
Appropriation \$100,746
General Fund—Commission Merchants Account
Appropriation \$135,791
Grain and Hay Inspection Fund Appropriation.. \$1,904,119

DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation..... \$13,491,265

INTERSTATE COMPACT COMMISSION

General Fund Appropriation: *Provided*, That
any interstate compact negotiated on behalf
of this state by use of these appropriations
shall not supersede, impair, alter or affect the
application of the federal laws or federal rules

promulgated thereunder which govern the sale or disposal of federal power as provided by the Reclamation Act of 1902, the Bonneville Power Act of 1937 and the Flood Control Act of 1944, and specific provision shall be included in the interstate compact to accomplish this requirement \$17,000

WASHINGTON STATE HIGHWAY COMMISSION

Motor Vehicle Fund Appropriation

To carry out the provisions of section 4, chapter 209, Laws of 1961..... \$300,000

Appropriations.

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the period from the effective date of this section to the end of the fiscal biennium ending June 30, 1963, except as otherwise provided.

SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: *Provided*, That expenditures from this appropriation shall be available only for the period from the effective date of this section to the end of the fiscal biennium ending June 30, 1961, for apportionment to districts \$2,659,280

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation to carry out the provisions of chapter 112, Laws of 1961: *Provided*, That expenditures from this appropriation shall be available only for the period from the effective date of this section to the end of the fiscal biennium ending June 30, 1961 \$200,000
 General Fund Appropriation for medical services and supplies not in excess of the unexpended balance of the 1959-61 appropriation or allotment for this purpose..... \$200,000

NORTHERN STATE HOSPITAL

General Fund—Institutional Building Construction Account Appropriation for receiving, treatment and medical building..... \$222,015
 General Fund Appropriation for replacing electrical distribution system..... \$120,000

SPRUCE CANYON YOUTH CAMP

General Fund Appropriation for repairing heating and sewage system..... \$46,500

GREEN HILL SCHOOL

General Fund—Institutional Building Construction Account Appropriation for recreation building \$59,413

CEDAR CREEK YOUTH FORESTRY CAMP

General Fund—Institution Building Construction Account Appropriation for vocational gymnasium building \$20,000

WESTERN WASHINGTON COLLEGE
OF EDUCATION

General Fund—Institutional Building Construction Account Appropriation for physical education building \$40,000

TRANSFERS

To Reimburse General Fund for allocations made from the Governor's Emergency Appropriations: *Provided*, That reimbursements are limited to the amount expended from such allocations at the close of the 1959-1961 Biennium: *Provided further*, That such transfers shall be made on vouchers approved by the Central Budget Agency:

GENERAL FUND—PARKS AND PARKWAYS ACCOUNT—Appropriation for allocation made to the State Parks and Recreation Commission \$112,500

RETIREMENT SYSTEM EXPENSE FUND—Appropriation for allocation made to the State Employees' Retirement System..... \$10,000

ACCIDENT FUND—Appropriation for allocation made to the Board of Industrial Insurance Appeals \$27,500

MEDICAL AID FUND—Appropriation for allocation made to the Board of Industrial Insurance Appeals \$27,500

GENERAL FUND—State Building Construction Account Appropriation for allocation made to the Western Washington College of Education \$193,100

To Reimburse General Fund for Expenditures from Appropriation for Belated Claims, to be

disbursed on vouchers approved by the State Auditor:	
GENERAL FUND—Capitol Building Construction Account Appropriation	\$455.62
GENERAL FUND—Commercial Feed Account Appropriation	\$2.51
GENERAL FUND—Commission Merchants Account Appropriation	\$9.11
GENERAL FUND—Fertilizer, Agriculture, Minerals and Limes Account Appropriation...	\$42.12
GENERAL FUND—Nursery Inspection Account Appropriation	\$76.93
GENERAL FUND—Parks and Parkways Account Appropriation	\$375.99
GENERAL FUND—Real Estate Commission Account Appropriation	\$57.95
GENERAL FUND—Seed Account Appropriation	\$177.65
GENERAL FUND—State Building Construction Account Appropriation	\$2,856.58
GENERAL FUND—State Egg Inspection Account Appropriation	\$322.37
INSTITUTIONAL INDUSTRIES REVOLVING FUND Appropriation (Formerly State Institutional Revolving Account)	\$1,318.36
INSTITUTIONAL INDUSTRIES REVOLVING FUND Appropriation (Formerly Penitentiary Revolving Account)	\$272.91
ACCIDENT FUND Appropriation.....	\$533.55
GAME FUND Appropriation.....	\$1,218.05
GRAIN AND HAY INSPECTION FUND Appropriation	\$542.62
MEDICAL AID FUND Appropriation.....	\$1,465.78
MOTOR VEHICLE FUND Appropriation.....	\$8,781.49
MOTOR VEHICLE FUND—State Patrol Highway Account Appropriation	\$5,613.48
To Reimburse Washington Public Service Commission, for costs incurred in collecting Excise Tax for January 1, 1959, through December 31, 1960, under provisions of chapter 152, Laws of 1945:	
MOTOR VEHICLE EXCISE FUND Appropriation...	\$3,228.82
TAX COMMISSION	
General Fund Appropriation.....	\$149,416
STATE LEGISLATURE	
General Fund Appropriation	
Joint Committee on Education.....	\$60,000
Joint Committee on Urban Area Government	\$60,000
Joint Committee on Governmental Cooperation	\$60,000
Interim Fisheries Committee.....	\$5,000

Game Fund Appropriation
Interim Committee on Game and Game Fish.. \$5,000

STATE EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation for employer's contribution, to be disbursed on vouchers approved by the State Auditor, on behalf of:

LOUISE JOHNSON RAY, for April, 1949, through June, 1949	\$29.62
LORETTA WALTERBACK, for June, 1950, through July, 1950	\$22.92
CAMILLE BROCK, for February, 1952, through May, 1952	\$36.69
CHARLES L. GATES, for April, 1957, through June, 1959	\$213.61
CLAYTON M. MOORE, for November, 1954, through April, 1955	\$57.08
EMPLOYEES OF FORT WORDEN DIAGNOSTIC AND TREATMENT CENTER, for May, and June, 1959	\$4,762.17
MARGARET PATON, for August, 1952, through July, 1957	\$177.69
JOHN HAPPY, for April, 1949, through February, 1951	\$120.55
ANNA B. COFFEE, for August, 1950, through December, 1954	\$143.87
ANNA B. COFFEE, for January, 1951, through April, 1951, and January, 1955, through July, 1955	\$143.79
EMPLOYEES OF MILITARY DEPARTMENT, for February, 1954, through July, 1954, and June, 1958, through July, 1959.....	\$5,142.56
MOREA C. REISMAN, for April, 1952, through October, 1956	\$267.10
JOHN A. PETRICH, for January, 1957, through June, 1957	\$29.68
WANZEL J. BEIERLEIN, for April, 1949, through June, 1959	\$672.33
AVERY GARRETT, for January, 1959, through June, 1959	\$35.39
REUBEN A. KNOBLAUCH, for April, 1949, through February, 1951.....	\$120.55
MONS G. ULVIN, for June, 1949, through October, 1949	\$63.95
JOHN L. ANDERSON, for October, 1955, through March, 1956	\$55.96
EMPLOYEES OF CEDAR CREEK YOUTH FOREST CAMP, for June, 1959.....	\$8.98
CHET KING, for April, 1949, through December, 1960	\$785.19
KARL VON HERRMAN, for January, 1957,	

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through June, 1959	\$180.16
JOHN L. O'BRIEN, for April, 1949, through February, 1951	\$120.55
W. L. McCORMICK, for January, 1957, through June, 1959	\$180.16
LUCILLE ROHRBECK, for December, 1950, through August, 1955	\$603.55
SIDNEY R. SNYDER, for July, 1957, through June, 1959	\$234.78
JAMES E. KEEFE, for April, 1949, through June, 1959	\$672.33
FRANK W. FOLEY, for January, 1957, through June, 1959	\$180.16
A. L. RASMUSSEN, for April, 1949, through July, 1950	\$84.08
CHARLES P. MORIARTY, JR., for January, 1957, through January, 1959	\$142.54
General Fund — Parks and Parkways Account for employer's contribution, to be disbursed on vouchers approved by the State Auditor on behalf of:	
WALTER W. CONGDON, for July, 1956, through June, 1959	\$289.76
Motor Vehicle Fund Appropriation for employ- er's contribution, to be disbursed on vouchers approved by the State Auditor, on behalf of:	
MARGARET PATON, for January, 1958, through July, 1958	\$76.01

JUDGMENTS

General Fund Appropriations for judgments, to
be disbursed on vouchers approved by the
State Auditor, as follows:

JOHN E. BOYER AND JOHN F. BOYER, executors of Estate of Louise H. Boyer, Judgment in Thurston County, Cause No. 16263, includ- ing costs	\$21,763.00
ALBIN E. SIEMION, Judgment for costs in State vs. Siemion, Supreme Court Cause No. 34544	\$264.67
CHARLES M. STOKES, Executor of Estate of Prentis I. Frazier, and James Clark, Judg- ment for Order of Default on Appeal Bond, King County Superior Court No. 30457.....	\$1,500.00
JOHN CAUGHLAN, Attorney for C. J. Brooks and Robert Redditt, Judgment costs in State vs. Estill in re: C. J. Brooks and John Redditt, Supreme Court No. 29686, King County Su- perior Court No. 308568.....	\$202.47

RUDY SCHULZE AND ANTOINETTE LUKETA, in full settlement for confiscated fish sold by Department of Fisheries, Supreme Court Cause No. 34191, Clallam County Superior Court Cause No. 2263	\$2,354.97
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LOCAL IMPROVEMENT ASSESSMENTS

General Fund Appropriation for local improvement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:

TREASURER, CITY OF CHENEY	
Local Improvement District No. 5 (Eastern Washington College)	\$4,432.50
TREASURER, CITY OF MOSES LAKE	
Local Improvement District No. 9	\$1,571.74
TREASURER, CITY OF OLYMPIA	
Local Improvement District No. 615 (Military Department)	\$1,418.85
Interest	70.90
Total	\$1,489.75
TREASURER, CITY OF SEATTLE	
Local Improvement District No. 6195 (University of Washington)	\$7,483.92
TREASURER, CITY OF TACOMA	
Local Improvement District No. 6766 (Military Department)	\$300.00
Interest	15.00
Total	\$315.00
TREASURER, CITY OF VANCOUVER	
Local Improvement District No. 255 (Department of Institutions)	\$4,073.44
TREASURER, CITY OF WENATCHEE	
Wenatchee Reclamation District	\$79.50
TREASURER, CITY OF YAKIMA	
Carpenter's Subdivision Irrigation	\$19.02
TREASURER, BENTON COUNTY	
Kennewick Irrigation District for 1960	\$5,151.00
Kennewick Irrigation District for 1961	\$5,151.00
TREASURER, CLARK COUNTY	
Weed Control District No. 1	\$16.80
TREASURER, COWLITZ COUNTY	
Consolidated Diking District No. 1 (Military Department)	\$214.86
TREASURER, FRANKLIN COUNTY	
South Columbia Basin Irrigation District ...	\$1,824.60
South Columbia Basin Irrigation District ...	\$1,903.46
TREASURER, GRANT COUNTY	
East Columbia Basin Irrigation District ...	\$3,073.40
Quincy Columbia Basin Irrigation District ...	\$2,693.74
Weed Control District No. 1	\$37.09

Weed Control District No. 1.....		\$59.60
Weed Control District No. 2.....		\$94.18
TREASURER, KITTITAS COUNTY		
Kittitas Reclamation District....	\$1,722.87	
Interest	103.37	
Total	—————	\$1,826.24
Kittitas Reclamation District.....		\$1,879.86
TREASURER, OKANOGAN COUNTY		
Brewster Flat Irrigation District.....		\$13,393.80
Brewster Flat Irrigation District.....		\$2,351.25
Wolf Creek Reclamation District.....		\$925.00
Wolf Creek Reclamation District.....		\$1,036.00
TREASURER, SNOHOMISH COUNTY		
(Escheat No. 335) Alderwood Water Dis-		
trict No. 19.....	\$128.02	
Interest	44.81	
Total	—————	\$172.83
TREASURER, WAHKLAKUM COUNTY		
Diking District No. 4.....		\$219.68
Diking District No. 1.....		\$1,438.97
TREASURER, WHATCOM COUNTY		
Macauley Creek Flood Control		
District	\$4.72	
Interest .....	.14	
Total	—————	\$4.86
TREASURER, YAKIMA COUNTY		
Drainage District No. 41.....		\$1.80
Sunnyside Valley Irrigation District.....		\$1,823.19
Rosa Irrigation District.....		\$526.01
Dike Improvement District No. 1.....		\$0.70
Rosa Irrigation District.....	\$1,332.18	
Interest	\$39.55	
Total	—————	\$1,371.73
Tieton Irrigation District.....	\$295.18	
Interest	\$2.47	
Total	—————	\$297.65
General Fund—Parks and Parkways Account		
Appropriation for local improvement assess-		
ments, to be disbursed on vouchers approved		
by the State Auditor, as follows:		
TREASURER, THURSTON COUNTY		
Hopkins Drainage Ditch.....		\$32.20
Hopkins Drainage Ditch.....		\$28.00
TREASURER, YAKIMA COUNTY		
Dike Improvement District No. 1.....		\$32.30
Highway Safety Fund Appropriation for local		
improvement assessments, to be disbursed on		
vouchers approved by the State Auditor, as		
follows:		

TREASURER, CITY OF LONGVIEW		
Local Improvement District No. 103		
(Washington State Patrol)	\$2,840.15	
Interest	\$426.02	
Total		\$3,266.17
TREASURER, COWLITZ COUNTY		
Consolidated Diking District No. 1		
(Washington State Patrol)		\$8.74
Consolidated Diking District No. 1		
(Washington State Patrol)		\$18.20
General Fund — Capitol Building Construction Account Appropriation for local improvement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:		
TREASURER, CITY OF OLYMPIA		
Local Improvement District No. 615		
(Capitol Committee)	\$3,343.22	
Interest	\$167.15	
Total		\$3,510.37
Local Improvement District No. 615		
(Capitol Committee)		\$9,068.09
Motor Vehicle Fund Appropriation for local improvement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:		
TREASURER, BENTON COUNTY		
Grandview Irrigation District		\$29.45
TREASURER, YAKIMA COUNTY		
Sunnyside Valley Irrigation District		\$1,003.16

REFUNDS

General Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:		
GENE RICHARD KNUTSON, refund of savings and loan dividends escheated to Permanent School Fund		\$10.38
EDWARD A. ANTONELLI, refund of certain privilege taxes paid on fresh fish imported from Canada for February, 1950, through September, 1959		\$1,442.66
STEVE HARMAT, in full settlement for property escheated to the State in King County Probate No. 131995		\$7,016.59
HAROLD D. CLARKE, refund for administrator's bond in the Estate of Andrew W. Wheeler		\$30.00
ESTATE OF MIKE VOSSLUFF, refund of monies escheated to the Permanent School Fund		\$847.95

MERRITT CONSTRUCTION COMPANY, refund of sales tax on Poulsbo Armory Expansion Contract DA45 113 NG 151.....	\$4.56
MERRITT CONSTRUCTION COMPANY, refund of sales tax on contract for Diagnostic and Treatment Center at Fort Worden.....	\$6.67
PEERLESS FOOD PRODUCTS COMPANY, refund of privilege taxes	\$140.51
HERBERT F. STEEPER, refund on Washington travel Service Ticket No. 0122141128.....	\$104.00
MEL PEDERSEN, refund of sales tax on contract No. 49 at Rainier School.....	\$223.19
HOMER D. MOORE, refund for cancelled Water Code Examination fee.....	\$10.00
F & T'S FROZEN DINNERS, refund of license fees paid to Department of Fisheries.....	\$20.00
KEENER'S OF BOTHELL, refund of license fees paid to Department of Fisheries.....	\$5.00

SUNDRY CLAIMS

General Fund Appropriation for relief of various individuals, firms, and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor, as follows:

APPLE VALLEY MOTORS, INC., for repair of Columbia River Regional Library Bookmobile	\$58.90
JACK ALLEGAR COMPANY, for towing disabled National Guard vehicle.....	\$20.00
D. J. HAFT, M.D., for medical treatment of Washington State Penitentiary inmates....	\$515.00
S. KATSUNO, W. KATSUNO, YOSHIKO YAMAGIWA, AND CHITAKE YAMAGIWA, in full settlement for property taken from claimants under alien land laws.....	\$12,000.00
JAMES P. LESHER, for inmate gate money due from the Washington State Penitentiary...	\$40.00
LINCOLN COUNTY SCHOOL DISTRICT No. 101, for the education of Handicapped children in accordance with Chapter 120, Laws of 1943	\$462.84
JOHN C. GREGORY, PUBLIC PRINTER, for printing done for the Division of Departmental Audits	\$45.72
TREASURER, CITY OF SPOKANE, reimbursement for a runway light destroyed by Washington Air National Guard aircraft.....	\$239.26
NORTH MASON SCHOOL DISTRICT No. 403, reimbursement for Federal School Lunch program	\$26.20

TREASURER OF THE UNITED STATES, OFFICE OF THE USP & FO FOR WASHINGTON, for property shortages of equipment issued to units of the Washington National Guard at Camp Murray	\$589.76
TREASURER OF COWLITZ COUNTY, reimbursement for Criminal Cost Bills under provisions of RCW 10.46.220 and 10.46.230.....	\$1,116.35
CLARENCE H. TURNER, in full settlement for injury received while an inmate of Washington State Penitentiary.....	\$1,282.00
ROGER W. CHAPMAN, in full settlement for loss of salary in 1953-1954 due to mistaken dismissal from Eastern Washington College of Education	\$2,000.00
TREASURER OF KING COUNTY, reimbursement for witness fees under provisions of RCW 10.46.220 and 10.46.230.....	\$218.80
SEATTLE SCHOOL DISTRICT No. 1, reimbursement for Social Security (OASI) for teachers at Martha Washington and Luther Burbank schools, 1957-1958.....	\$3,906.77
MRS. OLIVE FOX, for repairing privately owned car damaged at Northern State Hospital....	\$31.20
RUTH HENRY, for damages to automobile at Northern State Hospital.....	\$23.92
FRIEDA BANNISTER, in full settlement for salary adjustment due to error in classification from March 1, 1957, to January 1, 1959.....	\$253.00
SAMUEL J. HICKS, in full settlement for property stolen by escaping inmates at Darrington, Washington	\$182.31
JAMES P. BABBITT, in full settlement for watch stolen from superintendent's safe at Larch Mountain Honor Camp.....	\$74.50
ROBERT M. DAY, in full settlement for electric razor stolen from superintendent's safe at Larch Mountain Honor Camp.....	\$27.50
DOROTHY E. MULLER, in full settlement for overtime at Maple Lane School for August, 1958, through December, 1958.....	\$660.00
ROYAL LANGAN, in full settlement for salaries and wages while employed at Luther Burbank School	\$14.77
BUFORD GOERES, in full settlement for one milk receiving jar broken by inspector of Department of Agriculture	\$27.56
STEELE FUNERAL HOME, in full settlement for funeral and cemetery services for an Old Age recipient on March 25, 1956	\$194.46

SAMUEL GOLDENBERG, M.D., in full settlement for medical care and supplies	\$30.00
ALEXANDER GRINSTEIN, M.D., in full settlement for medical care and supplies	\$62.08
INTERNATIONAL PHARMACY, in full settlement for medical supplies	\$135.66
MADRONA GARDEN DRUG, in full settlement for medical supplies	\$14.29
MRS. JOHN B. SEMPHILL, in full settlement for medical supplies	\$1,488.83
STOWELL'S PRESCRIPTION PHARMACY, in full settlement for medical supplies	\$2.13
SUN DRUG COMPANY, in full settlement for medical supplies	\$134.83
IN FULL SETTLEMENT for loss of personal items damaged or destroyed by fire at Western State Hospital:	
BENNIE M. STOCKMAN	\$5.00
ANTON HELD	\$9.32
DELORES ANDERSON	\$8.98
PAUL WINKLER	\$4.14
ROBERT HODGE	\$4.14
HARVEY BISHOP	\$4.14
WILLIAM McDONALD	\$4.14
DONALD HARE	\$4.14
JOHN VOKEL	\$4.14
HOWARD MILDEN	\$4.14
JOE MARTIN	\$4.14
D. W. MACDICKEN	\$4.14
IN FULL SETTLEMENT for loss of personal items damaged or destroyed by fire at Capitol Forest Youth Camp:	
LEE B. GOODRICH	\$20.85
BETTY KAUFMAN	\$32.75
MARK STEPHENSON	\$10.00
RUBY D. CARTER	\$134.00
NEVADA MURROW	\$132.36
GORDON ANDERSON	\$20.00
BEN M. NEWNHAM	\$21.95
ROBERT A. BARRETT	\$64.95
CLIFFORD BATTSON	\$28.25
JAMES M. GIBBESON	\$41.95
TOM GIRARD	\$338.50
MURLE R. BRIDGHAM	\$576.10
JIM COLE, in full settlement for salary adjustment	\$291.65
General Fund — Capitol Building Construction Account Appropriation, for relief of the following corporation, to be disbursed on vouchers approved by the State Auditor:	

REMINGTON RAND DIVISION OF SPERRY RAND CORPORATION, for additional office equipment for the new State Library.....	\$795.48
Game Fund Appropriation for relief of various individuals, firms, and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor, as follows:	
JOHN GUGLIEMELLI, in full settlement for damage to truck garden by pheasants.....	\$448.00
T. K. MONTANYE, in full settlement for loss of two dogs from poisoning.....	\$75.00
THEODORE RICHERT, in full settlement for damage by deer and elk.....	\$200.00
JOSEPH TICE, in full settlement for damage by deer and elk.....	\$28.00
BREMERTON SPORT SHOP, reimbursement for unsold licenses	\$3.00
ED'S GUN SHOP, reimbursement for unsold licenses	\$4.50
AL GUY SPORTING GOODS, reimbursement for unsold licenses	\$15.00
HAMM'S CHEVRON STATION, reimbursement for unsold licenses	\$4.25
JONES HARDWARE AND DRY GOODS, reimbursement for unsold licenses.....	\$16.00
QUEETS MOTEL, reimbursement for unsold licenses	\$2.00
TUGS' HARDWARE AND SPORTING GOODS, reimbursement for unsold licenses.....	\$8.00
TED WEEKS RESORT, reimbursement for unsold licenses	\$9.00
WELSH HARDWARE, reimbursement for unsold licenses	\$26.00
Motor Vehicle Fund—State Patrol Highway Account Appropriation for relief of various individuals, firms, and corporations, to be disbursed on vouchers approved by the State Auditor, as follows:	
JOSEPH M. LAMPMAN, reimbursement for travel expenses in 1957-1959	\$8.11
JOHN R. OLSENE, reimbursement for travel expenses in 1957-1959	\$23.50
RICHARD H. SCHUSSTER, reimbursement for travel expenses in 1957-1959	\$8.31
Motor Vehicle Fund Appropriation for relief of various individuals, firms, and corporations, to be disbursed on vouchers approved by the State Auditor, as follows:	
Mrs. ROSE BROWN, in full settlement for injury received November 7, 1958.....	\$7,000.00

MRS. JUANITA SOMMERS, in full settlement for injuries received on May 27, 1958.....	\$3,000.00
JOHN H. JAMES, in full settlement for fleck damage to station wagon.....	\$31.20
CARL J. BESTROM, in full settlement for tools lost in fire	\$121.11
ROBERT G. SOMERLOTT, in full settlement for tools lost in fire	\$444.41
MRS. BETTY L. HEINL, in full settlement for spray damage to orchards.....	\$271.55
MRS. E. M. DOORNICK, in full settlement for spray damage to orchards	\$705.05
LES McCURDY, in full settlement for spray damage to orchard and crops.....	\$308.00
SQUIRE-INGHAM, in full settlement for spray damage to orchard and crops.....	\$429.19
W. H. McMURRAY, in full settlement for spray damage to orchard and crops.....	\$279.00
W. E. FITZSIMONDS, in full settlement for spray damage to orchard and crops.....	\$133.00
C. L. BABCOCK, in full settlement for spray damage to orchard and crops.....	\$418.50
OREGON STATE HIGHWAY COMMISSION, in full settlement for damages to automobile on Vancouver-Portland Interstate Bridge.....	\$29.20
RAYMOND A. JOHNSON, Sr., in full settlement for flood damage	\$3,647.87
CLARENCE MAXWELL, in full settlement for loss of well and water supply.....	\$750.00
RAY POWELL JOHNSON AND ELSIE L. JOHNSON, in full settlement for flood damage.....	\$1,352.12
Accident Fund Appropriation for relief of various individuals, firms, and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor:	
THEODORE JEFFRIES, in full settlement for injuries and time loss.....	\$2,321.00
JAMES W. PAPE, in full settlement for injuries received in logging accident August 22, 1946	\$1,000.00
Medical Aid Fund Appropriation for relief of various individuals, firms, and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor:	
THEODORE JEFFRIES, in full settlement for injuries and time loss.....	\$2,321.00
JAMES W. PAPE, in full settlement for injuries received in logging accident August 22, 1946	\$1,000.00

SEC. 3. The word "agency" used herein shall mean and include every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

"Agency" defined.

SEC. 4. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the governor, may:

Budget director powers enumerated.

(1) Allot all or any portion of the funds herein appropriated, or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: *Provided*, That the budget director shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington College of Education; Eastern Washington College of Education; Western Washington College of Education; Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of RCW 15.66; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided, however*, That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959 shall prevent

revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

(2) Notwithstanding any other provisions herein or of any other law the governor shall, when in his judgment the economic conditions of the state require that expenditures be curtailed and a more economical allotment of funds be made, conserve the moneys herein appropriated by directing adjustments in the size and composition of the staff of any agency other than those enumerated in subsection (1) of this section. Such adjustments shall be effected by the budget director pursuant to such rules and regulations as the state personnel board may prescribe to effectuate this purpose, and in any case where dismissals may be required as a result of the diminution of any agency's staff, persons over retirement age in the service of the state shall be reverted to retirement status before other staff reductions are made.

(3) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(4) Prescribe procedures and forms to carry out the above.

Salary restriction.

SEC. 5. No part of the appropriations in this act may be used for increasing the salary of any position in the classified service unless each such position has been evaluated and classified according to the provisions of chapter 1, Laws of 1961.

Receipts from federal or other sources, disposition.

SEC. 6. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the governor but in the event that receipts shall be less

than those estimated in the budget from any source the appropriation shall be limited to the amount actually received and allotments made as provided in section 4. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or the legislature shall be used to support regular programs instead of using appropriated funds. The governor's budget shall identify allotments made pursuant to this section and shall indicate whether and to what extent the budgets for future bienniums will require any state funds for the continuation of the activities supported by such allotments.

SEC. 7. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

Refunds authorized.

SEC. 8. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the budget director may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

Repayment of allocations from governor's emergency appropriation, when.

SEC. 9. 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 sections 1 and 3 through 8 shall take effect on July 1, 1961 and section 2 shall take effect immediately.

Emergency—Effective date.

Passed the Senate March 31, 1961.

Passed the House March 31, 1961.

Approved by the Governor April 3, 1961, with the exception of certain items, which are vetoed.

NOTE: Governor's message stating reasons for vetoing certain items of this measure reads as follows: Veto message, excerpt.

"Senate Bill No. 1 is a general appropriation bill providing funds

for the operation of the various departments of the state government. In Section 1 of the bill, under the heading 'COURT ADMINISTRATOR', we find the following language:

'General Fund Appropriation for salary of Superior Court Judges \$1,103,103'

The item 'salary of' contained in the language quoted is vetoed because the drafters of the bill inserted this item through inadvertence. It is clear that the sum appropriated is in excess of the sum required by the state for the salary of the Superior Court Judges. The total appropriation of \$1,103,103 includes the O.A.S.I. benefits contributed by the State of Washington for the Judges. This sum likewise includes allowance for travelling expenses necessitated because of the statutory duty requiring Judges to attend an annual convention of the state judges. In this connection it should also be observed that the original Senate Bill No. 1 which appropriated the identical amount did not contain the item 'salary of'.

"In Section 1 under the general heading 'DEPARTMENT OF PUBLIC ASSISTANCE' we find inter alia an item reading as follows: 'PROVIDED, That no payments from this appropriation, other than ninety-day emergency care in cases of undue hardship, shall be made to or on behalf of an applicant for, or recipient of general assistance or medical indigent care for persons under sixty-five years of age, who are residing within the boundaries of the state of Washington and who are not subject to the jurisdiction of the state of Washington:'

The item quoted would deprive the various Indian tribes now residing on their own reservation from receiving general assistance or medical indigent care except for ninety-day emergency care. The item quoted is a surreptitious attempt to coerce various Indian tribes to accept state civil and criminal jurisdiction. As the Governor of this State, I have always attempted to maintain with scrupulous care the existing treaty rights of the Indians residing within the confines of the State of Washington. The item quoted raises a serious constitutional issue involving violation of the equal protection clause of the Federal and of the State constitution. In addition, the wording of the item constitutes an unjustifiable discrimination against our Indian residents. I am fully aware of the fact that the failure of many of the Indian tribes to have consented to state jurisdiction has caused serious problems. It is my fervent hope that the tribes which to date have not consented to assumption of state jurisdiction will do so voluntarily during the coming biennium. However, until they do so voluntarily, I will not countenance a rank injustice to be perpetrated upon our Indian citizens couched in language which I am sure many of the Legislators failed to observe in the short time available to them in considering this bill. For the reasons indicated, the item quoted is vetoed.

"In Section 1 under the heading 'SUPERINTENDENT OF PUBLIC INSTRUCTION' we find the following item:

'PROVIDED, That these funds may not be used to support the employment of any certificated personnel to work with children who do not meet such standards of educability . . .'

"Preceding the item quoted is a proviso which states that expenditures from the appropriation for handicapped children who are pupils in schools operated within state institutions, shall be limited to the education of children who meet criteria of educability to be established by the State Board of Education. I trust that the State Board of Education will be exceedingly careful in establishing the criteria of educability demanded. I recommend that in order to establish such criteria, the State Board of Education will obtain the best available expert advice.

"During the past few years we have succeeded to enable handicapped children to learn some mental skills enabling them to make progress which would not have been believed possible a few years

earlier. In every case where it has been possible to teach a handicapped child to take care of the responsibility of providing for his most elementary needs, we have made it possible for such child to be released from custodial care and to be returned to his home at a great saving to the state. At the present time in some areas of the state we have special schools for handicapped children, and if the item quoted were permitted to remain in the law, I fear that the operation of such schools would be crippled. It is my firm conviction that every possible attempt should be made to utilize the latest skills for the purpose of enabling handicapped children who attend such special schools, or who attend special classes in public schools, to remain at home while being educated. If we fail to do this, we will simply increase the number of handicapped children who will have to be institutionalized. Thus, the item quoted, in my considered judgment, is penny wise and pound foolish. For the reasons indicated, this item is vetoed.

"For the reasons indicated, the items quoted herein are vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 27.

[H. B. 24.]

COMMITTEE ON THE LAW OF DAMAGES.

AN ACT Relating to civil actions and damages; creating a committee; making an appropriation; repealing chapter 97, Laws of 1961; and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the general fund to the committee on the law of damages, the sum of one thousand dollars or so much thereof as may be necessary to carry out the provisions of this act during the fiscal biennium ending June 30, 1963.

Appropriation.

SEC. 2. There is hereby created a committee on the law of damages which during the interim between the thirty-seventh and thirty-eighth legislatures shall study the laws and procedures in the field of damages and exemplary damages and shall make recommendations to the thirty-eighth legislature concerning the desirability and necessity for the enactment of legislation upon this subject.

Committee on the law of damages. Created—Duties.

SEC. 3. The committee shall consist of six members to be appointed by the governor prior to May 1,

*Material in brackets vetoed.

1961, *[as follows: One member who shall represent organized labor; a member of the judicial council, selected by the chief justice; a member of the superior court judges association, selected by the president judge; a member of the Washington State Bar Association, selected by the president thereof; a member of the Allied Daily Newspapers of Washington, selected by the president thereof; and a member of the Washington State Association of Broadcasters, selected by the president thereof.] Persons to fill vacancies shall be chosen in the same manner as original members.

Meetings—
Officers—
Quorum.

SEC. 4. The first meeting shall be held at the call of the governor not later than July 1, 1961, and at such meeting the members shall select their own officers. Four members shall constitute a quorum.

Expense and
per diem for
members.

SEC. 5. Members of the committee shall serve without compensation, but shall be reimbursed for travel expense and other actual expenses incurred therefor or per diem rates as provided by law, but in no event shall actual expenses claimed exceed per diem rates provided by law. Committee expenses shall be paid upon voucher forms signed by the chairman of the committee.

Repeal.

SEC. 6. Chapter 97, Laws of 1961 is hereby repealed.

Emergency.

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.

Passed the House March 20, 1961.

Passed the Senate March 23, 1961.

Approved by the Governor March 30, 1961, with the exception of a certain item in section 3, which is vetoed.

NOTE: Governor's message stating reasons for vetoing a certain item from section 13 of this measure reads as follows: Veto message, excerpt.

"The primary purpose of this bill is to repeal chapter 97, Laws of 1961, which would allow the imposition of punitive damages in legal actions involving the commission of intentional injuries and torts. In addition, this bill would create a committee to study the problem of punitive damages. The committee is required to make recommendations to the next Legislature.

"It is my personal belief that chapter 97, Laws of 1961, would merit a tryout for a reasonable length of time. I am firmly convinced that the fears which have been expressed to me by Labor leaders, by members of the Press, Radio and Television, are greatly exaggerated. After all, laws allowing the imposition of punitive damages in one form or another are now in effect in over forty states. It is clear that the various organizations which have objected so bitterly to chapter 97, Laws of 1961, have been able to adjust satisfactorily to such laws in these states. Nevertheless, since both Houses of the Legislature saw fit to pass this bill by overwhelming majorities I feel obliged, reluctantly, to sign this bill with one exception.

"Section 3 of the bill contains the following item:

'* * * as follows: One member who shall represent organized labor; a member of the judicial council, selected by the chief justice; a member of the superior court judges association, selected by the president judge; a member of the Washington State Bar Association, selected by the president thereof; a member of the Allied Daily Newspapers of Washington, selected by the president thereof; and a member of the Washington State Association of Broadcasters, selected by the president thereof.'

"To permit this item to become law would force me to appoint as members of the committee, persons selected entirely by the organizations mentioned. No doubt you realize that I will be held responsible personally for the work of the committee. To impose such responsibility upon me without allowing me any choice whatsoever in making the appointments appears to me to be unfair and inequitable. I therefore respectfully, must refuse to accede to such imposition. I want to make it clear that I will not buy 'a pig in the poke'.

"While I intend to appoint the members of the study committee from the organizations mentioned in the item vetoed, I reserve the right to choose such members with the foremost thought in mind of establishing on the committee, a well balanced view between proponents and opponents of punitive damages. Thus, the chances are that the study committee will bring in a report reflecting a just and equitable solution to the problem involved.

"For the reasons indicated, the item quoted from section 3 is vetoed, and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

AUTHENTICATION

I, Victor A. Meyers, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Thirty-Seventh Legislature of the State of Washington, held from March 10, 1961, until March 31, 1961, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this twelfth day of December, 1961.



VICTOR A. MEYERS,
Secretary of State

**HISTORY OF STATE
INITIATIVE AND
REFERENDUM MEASURES**

HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (**State Wide Prohibition**)—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—189,840 **Against**—171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—142,017 **Against**—147,298.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—117,882 **Against**—167,080.
- *INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—162,054 **Against**—144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—143,738 **Against**—154,166.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—111,805 **Against**—183,726.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—118,881 **Against**—212,935.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390. (This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Non-Partisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For**—98,843 **Against**—245,399.
- INITIATIVE MEASURE NO. 25 (**Repealing State Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 28 (**Non-Partisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.

- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Non-Partisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (**Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)**—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: **For**—193,356 **Against**—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (**Non-Partisan Elections**)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (**Workmen's Compensation Measure**)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (**Relating to Injunctions in Labor Disputes**)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (**Relating to Municipal Ownership**)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (**Legislative Reapportionment**)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE NO. 46 (**"30-10" School Plan**)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: **For**—99,150 **Against**—150,114.
- INITIATIVE MEASURE NO. 47 (**Workmen's Compensation Measure**)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (**Compulsory School Attendance**)—Filed January 7, 1924. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 49 (**Compulsory School Attendance**)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—158,922 **Against**—221,500.
- INITIATIVE MEASURE NO. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—128,677 **Against**—211,948.
- INITIATIVE MEASURE NO. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—139,492 **Against**—217,393.
- INITIATIVE MEASURE NO. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (**State Commission to License and Regulate Horse-racing, Pool-selling, etc.—Pari-mutuel Measure**)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (**Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (**Re-districting State for Legislative Purposes**)—Filed April 24, 1930. Re filed as Initiative Measure No. 57.
- *INITIATIVE MEASURE NO. 57 (**Re-districting State for Legislative Purposes**)—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For**—116,436 **Against**—115,641. Act is now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE NO. 58 (**Permanent Registration**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—372,061 **Against**—75,381. Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE NO. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 61 (**Relating to Intoxicating Liquors**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—341,450 **Against**—208,211. Act is now identified as Chapter 2, Laws of 1933.
- *INITIATIVE MEASURE NO. 62 (**Creating Department of Game**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—270,421 **Against**—231,863. Act is now identified as Chapter 3, Laws of 1933.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 64 (**Limits Tax Levy on Real and Personal Property to 40 Mills**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—303,384 **Against**—190,619. Act is now identified as Chapter 4, Laws of 1933.
- INITIATIVE MEASURE NO. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 69 (**Income Tax Measure**)—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—322,919 **Against**—136,983. Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE NO. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—275,507 **Against**—153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—219,635 **Against**—192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—208,904 **Against**—300,274.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed
March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed
March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)—Filed
March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)—Filed
April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)
—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)—Filed April 15, 1936.
No petition filed.
- *INITIATIVE MEASURE NO. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936.
Submitted to the voters at the state general election held on November 3,
1936. Measure approved into law by the following vote: **For**—417,641
Against—120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936.
Submitted to the voters at the state general election held on November 3,
1936. Failed to pass by the following vote: **For**—153,551 **Against**—354,162.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)—Filed April 24, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 117 (**Production for Use**)—Filed May 1, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)—Filed May 5, 1936. No
petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936.
Submitted to the voters at the state general election held on November 3,
1936. Failed to pass by the following vote: **For**—97,329 **Against**—370,140.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No
petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936.
No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed
May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed
January 27, 1938. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 126 (**Non-Partisan School Election**)—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.
- INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.
- *INITIATIVE MEASURE NO. 141 (**Old Age Pension**)—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For**—358,009 **Against**—258,819. Act is now identified as Chapter 1, Laws of 1941.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 142 (**Chain Store Tax**)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (**Relating to State Sale of Gas and Oil**)—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (**Unicameral Legislature**)—Filed February 23, 1940. Withdrawn. Re filed as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (**Government Reorganization**)—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (**Relating to Sabbath Breaking**)—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (**Unicameral Legislature**)—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (**Liquor Control**)—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (**Anti-Subversive Activities**)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (**Intoxicating Liquor Sold by the Drink**)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (**Old Age Assistance**)—Filed January 3, 1942. Submitted to voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For**—160,084 **Against**—225,027.
- INITIATIVE MEASURE NO. 152 (**Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture**)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (**Re-constitution of Board of State Land Commissioners**)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (**After Discharge Benefits to Persons in the Armed Forces**)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (**Washington Employment Peace Act**)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (**Liberalization of Old Age Assistance Laws**)—Filed February 19, 1944. Re filed as Initiative Measure No. 157.
- INITIATIVE MEASURE NO. 157 (**Liberalization of Old Age Assistance Laws**)—Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—240,565 **Against**—403,756.
- INITIATIVE MEASURE NO. 158 (**Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington**)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—184,405 **Against**—437,502.
- INITIATIVE MEASURE NO. 159 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. No petition filed.

- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For**—220,239 **Against**—367,836.
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions filed for canvassing.
- *INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)**—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—438,518 **Against**—337,410. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with Certain Restrictions)**—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—416,227 **Against**—373,418. Act is now identified as Chapter 5, Laws of 1949.
- *INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)**—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election

*Indicates measure became law.

held on November 2, 1948. Measure approved into law by the following vote: **For**—420,751 **Against**—352,642. Act is now identified as Chapter 6, Laws of 1949.

INITIATIVE MEASURE NO. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

INITIATIVE MEASURE NO. 176 (**Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation**)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: **For**—159,400 **Against**—534,689.

INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.

*INITIATIVE MEASURE NO. 178 (**Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health**)—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: **For**—394,261 **Against**—296,290. Act is now identified as Chapter 1, Laws of 1951.

INITIATIVE MEASURE NO. 179 (**Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating**)—Filed May 5, 1950. No signature petitions presented for canvassing.

*INITIATIVE MEASURE NO. 180 (**Authorizing the Manufacture, Sale and Use of Colored Oleomargarine**)—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—836,580 **Against**—163,752. Act is now identified as Chapter 1, Laws of 1953.

*INITIATIVE MEASURE NO. 181 (**Prescribing the Observance of Standard Time**)—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—597,558 **Against**—397,928. Act is now identified as Chapter 2, Laws of 1953.

INITIATIVE MEASURE NO. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: **For—265,193 Against—646,534.**
- INITIATIVE MEASURE NO. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (**Providing a Civil Service System for Employees of County Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (**Permitting a Modified Coloring of Oleo-margarine**)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (**Raising Standards for Chiropractic Examinations**)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—320,179 Against—493,108.**
- INITIATIVE MEASURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—237,004 Against—555,151.**
- INITIATIVE MEASURE NO. 193 (**Statewide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—370,005 Against—457,529.**
- INITIATIVE MEASURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—207,746 Against—615,794.**
- INITIATIVE MEASURE NO. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (**Amending the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (**Affecting Employer-Employee Relations**)—

Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For—329,653 Against—704,903.**

***INITIATIVE MEASURE NO. 199 (Legislative Reapportionment and Redistricting)**—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For—448,121 Against—406,287.** However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.

INITIATIVE MEASURE NO. 200 (Increasing Public Assistance Benefits)—Filed February 27, 1956. No signature petitions submitted for checking.

INITIATIVE MEASURE NO. 201 (Washington Fair Labor Standards Act)—Filed March 2, 1956. No signature petitions submitted for checking.

INITIATIVE MEASURE NO. 202 (Restricting Labor Agreements)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For—339,742 Against—596,949.**

INITIATIVE MEASURE NO. 203 (Wood Pulp Waste Tax)—Filed February 28, 1959. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 204 (Civil Service for State Employees)—Filed January 8, 1960. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 205 (Authorizing Tavern Spirituous Liquor Licenses)—Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: **For—357,455 Against—799,643.**

INITIATIVE MEASURE NO. 206 (Authorizing and Licensing "Dentistry")—Filed January 11, 1960. No signature petitions presented for checking.

***INITIATIVE MEASURE NO. 207 (Civil Service for State Employees)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For—606,511 Against—471,730.** Act is now identified as Chapter 1, Laws of 1961.

***INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For—643,529 Against—430,698.** Act is now identified as Chapter 2, Laws of 1961.

INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)—Filed February 8, 1960. No signature petitions presented for checking.

***INITIATIVE MEASURE NO. 210 (Statewide Daylight Saving Time)**—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For—596,135 Against—556,623.** Act is now identified as Chapter 3, Laws of 1961.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- ***INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—
Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For**—152,487 **Against**—130,901. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390.
- ***INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—
Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (**Tax Free Homes**)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (**Unemployment Insurance**)—
Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (**Prohibiting Fishing with Purse Seines**)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (**Legal Holiday on Saturday**)—
Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (**Pension for Blind**)—Filed October 7, 1938. Re filed as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (**Pension for Blind**)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (**Relating to Intoxicating Liquors**)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (**Unicameral Legislature**)—
Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (**Re-apportionment of State Legislative Districts**)—Filed July 8, 1942. No petition filed.
- ***INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—
Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and Wine to State Liquor Stores**)—This measure the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action and as provided by the state constitution the measure then was submitted to the

*Indicates measure became law.

voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390.**

INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)—Filed September 19, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)—Filed October 16, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)—Filed September 8, 1948. No signature petitions presented.

INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)—Filed October 16, 1948. No signature petitions filed.

INITIATIVE TO THE LEGISLATURE NO. 18 (Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.)—This measure the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 19 (Repealing the Subversive Activities Act)—Filed September 19, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 20 (Legislative and Congressional Districting)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.

INITIATIVE TO THE LEGISLATURE NO. 21 (Professional Practice Boards)—Filed April 20, 1954. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 22 (Legislative and Congressional Districting)—Filed May 17, 1954. No signature petitions presented for checking.

***INITIATIVE TO THE LEGISLATURE NO. 23 (Civil Service for Sheriff's Employees)**—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For—539,640 Against—289,575.** Act is now identified as Chapter 1, Laws of 1959.

INITIATIVE TO THE LEGISLATURE NO. 24 (Limiting Dams in Fish Sanctuaries)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last

*Indicates measure became law.

preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.

***INITIATIVE TO THE LEGISLATURE NO. 25 (Dam Construction and water Diversion)**—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.

INITIATIVE TO THE LEGISLATURE NO. 26 (Abolishing Capital Punishment)—Measure filed March 10, 1960. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 27 (Restricting Federal Taxation and Activities)—Measure filed June 27, 1960. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 28 (Civil Service for County Employees)—Measure filed July 1, 1960. No signature petitions presented for checking.

*Indicates measure became law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (**Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: **For**—59,051 **Against**—252,356.
- REFERENDUM MEASURE NO. 2 (**Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: **For**—102,315 **Against**—189,065.
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—62,117 **Against**—196,363.
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—63,646 **Against**—193,686.
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws of 1915, Party Conventions Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—49,370 **Against**—200,499.
- REFERENDUM MEASURE NO. 6 (**Chapter 181, Laws of 1915, Anti-Picketing**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—85,672 **Against**—183,042.
- REFERENDUM MEASURE NO. 7 (**Chapter 178, Laws of 1915, Certificate of Necessity Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—46,820 **Against**—201,742.
- REFERENDUM MEASURE NO. 8 (**Chapter 46, Laws of 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—45,264 **Against**—195,253.
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws of 1915, Budget System**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—45,264 **Against**—181,833.
- REFERENDUM MEASURE NO. 10 (**Chapter 19, Laws of 1917, Bone Dry Law**)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: **For**—96,100 **Against**—54,322.
- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws of 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws of 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws of 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people at the state

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

general election held on November 7, 1922. *Failed to pass by the following vote: **For**—64,800 **Against**—154,905.

REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws of 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.

REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws of 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: **For**—96,874 **Against**—156,113.

REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.

REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws of 1921, Primary Nominations and Registrations**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: **For**—60,593 **Against**—164,004.

REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws of 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: **For**—57,324 **Against**—140,299.

REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws of 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. *Failed to pass by the following vote: **For**—169,047 **Against**—203,016.

REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws of 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.

REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws of 1933, Cities and Towns; Electric Energy**)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: **For**—221,590 **Against**—160,244.

REFERENDUM MEASURE NO. 19 (**Chapter 55, Laws of 1933, Horse Racing**)—Filed April 3, 1933. No petition filed.

REFERENDUM MEASURE NO. 20 (**Chapter 118, Laws of 1935, Regulating Pilots**)—Filed February 8, 1935. No petition filed.

REFERENDUM MEASURE NO. 21 (**Chapter 26, Laws of 1935, Blanket Primary Ballot**)—Filed April 8, 1935. No petition filed.

REFERENDUM MEASURE NO. 22 (**Chapter 209, Laws of 1941, Industrial Insurance**)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: **For**—246,257 **Against**—108,845.

REFERENDUM MEASURE NO. 23 (**Chapter 158, Laws of 1941, Providing for Legal Advisor for Grand Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: **For**—126,972 **Against**—148,266.

REFERENDUM MEASURE NO. 24 (**Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand**

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: **For**—114,603 **Against**—148,439.
- REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)**—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. *Failed to pass by the following vote: **For**—297,919 **Against** 373,051.
- REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)**—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: **For**—69,490 **Against**—447,819.
- REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)**—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: **For**—107,731 **Against**—422,026.
- REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)**—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. *Failed to pass by the following vote: **For**—163,923 **Against**—467,574.
- REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949 amending State Insurance Code)**—Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957—Inheritance Tax on Insurance Proceeds)**—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. *Failed to pass by the following vote: **For**—52,223 **Against**—811,539.
- REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959 authorizing corporations and joint stock associations to practice engineering)**—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.
- REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)**—Filed March 22, 1961. Signature petition sheets filed June 7, 1961 and found sufficient. Measure will be submitted to the voters at the state general election to be held on November 6, 1962 for final decision.
- REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Audits of Municipal Accounts)**—Filed April 3, 1961. Signature petition sheets filed on June 7, 1961 and found sufficient. Measure will be submitted to the voters at the state general election to be held on November 6, 1962 for final decision.

* Term "failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: **For**—117,425 **Against**—191,783.

REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920 Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: **For**—224,356 **Against**—88,128.

REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—99,459 **Against**—208,809.

REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—114,055 **Against**—334,035.

REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: **For**—390,639 **Against**—149,843.

REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: **For**—252,431 **Against**—75,540.

REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For**—395,417 **Against**—248,200.

REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For**—377,941 **Against**—262,615.

REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: **For**—312,500 **Against**—314,840.

REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: **For**—402,937 **Against**—391,726.

PROPOSED

**CONSTITUTIONAL
AMENDMENTS**

**TO BE VOTED UPON
AT THE**

November 6, 1962

STATE GENERAL ELECTION

SUBSTITUTE SENATE JOINT RESOLUTION NO. 1

***BALLOT TITLE**

SCHOOL DISTRICTS: INCREASING LEVY PERIODS

Shall the State Constitution be amended to permit school district voters to authorize tax levies in excess of the 40-mill limit at a specified maximum rate for up to four years for operations and/or capital outlay, if the proposition or propositions be approved by a three-fifths majority, and the number of voters voting thereon constitutes not less than forty percent of the votes cast at the last preceding general election in such district?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to Article 7, section 2 as amended by Amendment 17, of the Constitution of the State of Washington, by adding thereto a new subsection designated as subsection (d) which shall read as follows:

Article 7, section 2, subsection (d). By any school district for the purposes and in the manner in this subsection provided. School district tax levy or levies at a specified maximum rate for each year may be authorized at any single election for a specified number of years not in excess of four years for a levy for operations or four years for a levy for capital outlay, or both when the proposition therefor has been approved by a majority of at least three-fifths of the electors voting thereon at which election the number of persons voting on the proposition shall constitute not less than forty percentum of the total number of votes cast at the last preceding general election in such district. If any tax levy is authorized pursuant to the provisions of this subsection, the governing body of the school district shall determine annually thereafter the amount of funds required from the authorized levy or levies for the current use of the schools of the district, and/or for capital purposes, and within the limits of each tax levy so authorized a levy shall be made at the rate required to produce the amount of funds determined as aforesaid.

* As prepared by John J. O'Connell, Attorney General.

The proposition or propositions to authorize additional tax levies for current operations or capital outlays or both may be submitted to the electors of a school district at any election, whether called specially for this purpose, or called for any other purpose, but may be submitted not more than twice in any one year.

No district shall submit to the electorate upon authority of this subsection a proposition to authorize additional levies for current operations or capital outlays for any year for which such electors have previously approved a levy under the authority of this subsection for the same purpose. A district may however at any time submit to the electorate a proposition to substitute for any prior authorization, a new authorization for the same purpose: *Provided*, (1) That the levy authorized by the substituted authorization will be adequate to fulfill all contractual obligations of the district incurred by reason of the prior authorization, and (2) that the substitute proposition shall by its terms supersede the prior authorization and by its terms shall not become effective until the first tax levy year following the date of the election at which it was authorized and then be in lieu of any tax levy authorized by the superseded authorization.

The procedures specified in this subsection shall be deemed cumulative to the other procedures specified in this section.

And Be It Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the Senate March 10, 1961.

Passed the House March 24, 1961.

SENATE JOINT RESOLUTION NO. 9

*BALLOT TITLE

VOTERS' PAMPHLET—PUBLICATION AND DISTRIBUTION

Shall Article II, § 1, Amendment 7 of the State Constitution which presently directs the Secretary of State to send each registered voter a copy of the voters' pamphlet (a publication containing the laws and constitutional amendments referred to the people together with arguments for and against each measure) be amended so as to require only mailing to each individual place of residence, together with such other distribution as the Secretary of State deems necessary?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1962, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 1 of the Constitution of the State of Washington, as amended by Amendment 7 by adding thereto a new subsection to be known as subsection (e), reading as follows:

Article II, section 1, subsection (e). The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state.

Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the Senate February 14, 1961.

Passed the House March 6, 1961.

* As prepared by John J. O'Connell, Attorney General.

SENATE JOINT RESOLUTION NO. 21

BALLOT TITLE*ABOLISHING RESTRICTIONS ON LAND OWNERSHIP**

Shall the constitutional restriction upon the ownership of land in the State of Washington by certain noncitizens be removed by repealing § 33, Article II, as amended by Amendments 24 and 29 of the State Constitution?

Be It Resolved, By the Senate and the House of Representatives of the State of Washington in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of this state, for their adoption or rejection, the following proposed amendment to the Constitution of the State of Washington:

Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the State of Washington are each hereby repealed.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such newspaper is published.

Passed the Senate February 24, 1961.

Passed the House March 5, 1961.

* As prepared by John J. O'Connell, Attorney General.

SENATE JOINT RESOLUTION NO. 25

*BALLOT TITLE

PUBLICATION OF PROPOSED CONSTITUTIONAL AMENDMENTS

Shall § 1, Article XXIII, of the State Constitution requiring publication of the text of each proposed constitutional amendment in a weekly newspaper in each county for three months prior to the election, be amended so as to require only that notice of the proposed constitutional amendment be published at least four times during the four weeks preceding the election in every legal newspaper in the state?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIII, section 1 of the Constitution of the State of Washington, to read as follows:

Article XXIII, section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided*, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.

* As prepared by John J. O'Connell, Attorney General.

Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the Senate February 24, 1961.

Passed the House March 8, 1961.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 1

*BALLOT TITLE

CITIES, TOWNS: INCREASING LEVY PERIODS

Shall the State Constitution be amended to permit city and town voters to authorize tax levies in excess of the 40-mill limit at a specified maximum rate for up to four years for capital outlay, if the proposition or propositions be approved by a three-fifths majority and the number of voters voting thereon constitutes not less than forty percent of the votes cast at the last preceding general election in such city or town?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to Article 7, section 2 as amended by Amendment 17, of the Constitution of the State of Washington, by adding thereto a new subsection designated as subsection () which shall read as follows:

Article 7, section 2, subsection (). By any city or town, for the purposes and in the manner in this subsection provided. The tax levy or levies at a specified maximum rate for each year may be authorized at any single election for a specified number of years not in excess of four years for a levy for capital outlay when the proposition therefor has been approved by a majority of at least three-fifths of the electors voting thereon at which election the number of persons voting on the proposition shall constitute not less than forty percentum of the total number of votes cast at the last preceding general election in such city or town. If any tax levy is authorized pursuant to the provisions of this subsection, the governing body of the city or town shall determine annually thereafter the amount of funds required from the authorized levy or levies of the city or town for capital purposes, and within the limits of each tax levy so authorized a levy shall be made at the rate required to produce the amount of funds determined as aforesaid.

* As prepared by John J. O'Connell, Attorney General.

The proposition or propositions to authorize additional tax levies for capital outlays may be submitted to the electors of a city or town at any election, whether called specially for this purpose, or called for any other purpose, but may be submitted not more than twice in any one year.

No city or town shall submit to the electorate upon authority of this subsection a proposition to authorize additional levies for capital outlays for any year for which such electors have previously approved a levy under the authority of this subsection for the same purpose. A city or town may however at any time submit to the electorate a proposition to substitute for any prior authorization, a new authorization for the same purpose: *Provided*, That (1) the levy authorized by the substituted authorization will be adequate to fulfill all contractual obligations of the city or town incurred by reason of the prior authorization, and (2) the substitute proposition shall by its terms supersede the prior authorization and by its terms shall not become effective until the first tax levy year following the date of the election at which it was authorized and then be in lieu of any tax levy authorized by the superseded authorization.

The procedures specified in this subsection shall be deemed cumulative to the other procedures specified in this section.

And Be It Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the House March 30, 1961.

Passed the Senate March 29, 1961.

HOUSE JOINT RESOLUTION NO. 6

*BALLOT TITLE

TEMPORARY PERFORMANCE OF JUDICIAL DUTIES

Shall Article IV of the State Constitution be amended by adding a new section providing that when necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record in this state to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state?

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of this state, for their approval and ratification, or rejection, an amendment to Article IV of the Constitution of the State of Washington, by adding thereto a new section to be numbered section 2(a) of Article IV, which shall read as follows:

Section 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.

Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.

Passed the House March 9, 1961.

Passed the Senate March 9, 1961.

* As prepared by John J. O'Connell, Attorney General.

HOUSE JOINT RESOLUTION NO. 9

BALLOT TITLE*GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS**

Shall Article II of the State Constitution be amended by adding a section empowering and directing the legislature to provide a method of temporary succession to elected and appointive offices when because of an emergency resulting from enemy attack the incumbents are unavailable to act and further empowering the legislature to depart from certain constitutional provisions if, in discharging this duty, the emergency renders compliance impracticable?

Be It Resolved, By the House of Representatives and Senate of the State of Washington, in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to the State Constitution by the addition thereto of a new section to read as follows:

Article II, section 42. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: *Provided*, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:

* As prepared by John J. O'Connell, Attorney General.

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Office;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing proposed constitutional amendment to be published for at least three months next preceding said election, in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

HOUSE JOINT RESOLUTION NO. 19

*BALLOT TITLE

QUALIFICATIONS OF VOTERS

Shall Article VI, § 1 of the State Constitution relating to qualifications of voters be amended to reduce the periods of state and county residence required for voting at all elections; eliminate disqualification from voting by Indians not taxed, and allow citizens intending to make this state their permanent residence to vote for presidential electors or President and Vice-President of the United States, after sixty days residence?

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

THAT, At the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1962, there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, amendments to Article VI of the Constitution of the State of Washington by amending section 1 thereof and by adding a new section thereto to be known as section 1A, so that said sections will read as follows:

Article VI, section 1. All persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state six months, and in the county, city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: *Provided*, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex.

Article VI, section 1A. In consideration of those citizens of the United States who become residents of the State of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons, who can meet all

qualifications for voting as set forth in section 1 of this Article except for residence, to vote for presidential electors, or on the office of President and Vice-President of the United States, as the case may be, but no other, provided, that such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendments to be published for at least three months next preceding the election in a weekly newspaper in every county in the state in which such a newspaper is published.

Passed the House February 10, 1961.

Passed the Senate February 22, 1961.

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