

SESSION LAWS
OF THE
STATE OF WASHINGTON

Passed at the
EXTRAORDINARY SESSION

Convened December 4, 1933
Adjourned January 12, 1934

Compiled in Chapters by
SECRETARY OF STATE
Ernest N. Hutchinson

Marginal Notes and Index
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Chapter 2, Laws 1933, Extraordinary Session

EXPLANATORY.

The Extraordinary Session of the Legislature of the State of Washington convened at 12 o'clock noon, December 4, 1933, and adjourned *sine die* on January 12, 1934, at midnight.

All acts passed by said session and approved by the Governor, together with those which were permitted to become laws without his signature, take effect ninety days after adjournment, or 12 o'clock midnight, April 12, 1934, except relief bills, appropriations and other acts declaring an emergency.

ERNEST N. HUTCHINSON,
Secretary of State.

LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session, 1933

CHAPTER 1.

[S. B. 1.]

LEGISLATIVE EXPENSES.

AN ACT appropriating the sum of seventy-five thousand dollars, or so much thereof as may be necessary for the expenses of the extraordinary session of the legislature convened December 4, 1933, and declaring an emergency.

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

SECTION 1. That there be and there is hereby appropriated out of the general fund, the sum of Appropriation \$75,000. seventy-five thousand dollars (\$75,000.00), or so much thereof as may be necessary to be used for the purpose of paying the expenses of the extraordinary session of the legislature of the State of Washington, convened December 4, 1933.

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

Passed the Senate December 4, 1933.

Passed the House December 5, 1933.

Approved by the Governor December 7, 1933.

CHAPTER 2.

[S. B. 2.]

LEGISLATIVE PRINTING.

AN ACT appropriating the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary for the printing of the extraordinary session of the legislature convened December 4, 1933, and declaring an emergency.

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

Appropriation
\$12,500.

SECTION 1. That there be and there is hereby appropriated out of the general fund the sum of twelve thousand five hundred dollars (\$12,500.00), or so much thereof as may be necessary to pay for such printing as may be ordered by the extraordinary session of the legislature, convened December 4, 1933, or either branch thereof.

Effective
immediately.

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

Passed the Senate December 4, 1933.

Passed the House December 5, 1933.

Approved by the Governor December 7, 1933.

CHAPTER 3.

[H. B. 68.]

AERIAL TRANSPORTATION.

AN ACT relating to facilities for aerial transportation, amending section 1 of chapter 93 of the Laws of 1929, and authorizing cities, towns, port districts and counties to acquire by purchase, condemnation or lease, within or without their corporate limits or boundaries, sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 93 of the Laws of 1929 (section 905-1 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 1, ch. 93,
Laws of 1929.

Section 1. That all cities, towns, port districts, and counties are authorized and empowered by and through their appropriate corporate authorities to acquire, maintain and operate, within or without their corporate limits or boundaries and/or within or without the boundaries of the counties in which such cities, towns or port districts are situated, sites and other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail, and to acquire by purchase, condemnation or lease, all lands and other property necessary therefor, and to dispose of such lands and other property for public use whenever acceptance thereof on behalf of the United States for aviation purposes shall be authorized by Act of Congress; and the same is hereby declared to be a municipal purpose and a public use. Cities, towns, port districts and counties are hereby empowered to acquire lands and other property for said purpose by the exercise of the power of eminent domain under the same procedure

Corporate
power to
acquire sites.

Disposal to
United
States.

No property
exempt from
condemna-
tion.

as is or shall be provided by law for the condemnation and appropriation of private property for any of their respective corporate uses, and no property shall be exempt from such condemnation, appropriation or disposition by reason of the same having been or being dedicated, appropriated or otherwise held to public use. *Provided, however,* that nothing in this act shall authorize or entitle any cities, towns, port districts or counties to acquire by eminent domain any site or other facilities for landings, terminals, housing, repair and care of dirigibles, airplanes or seaplanes, for aerial transportation of persons, property or mail, now or hereafter owned by any other cities, towns, port districts or counties. All acts of any such municipality in the exercise or attempted exercise of any powers herein conferred are hereby ratified and confirmed. The provisions of this act shall be cumulative and nothing herein contained shall abridge or limit the powers of cities, towns, port districts and counties under existing laws.

Ratification.

Effective
immediately.

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

Passed the House December 19, 1933.

Passed the Senate December 27, 1933.

Approved by the Governor December 30, 1933.

CHAPTER 4.

[H. B. 6.]

JUSTICES OF THE PEACE IN CLASS "A" COUNTIES.

AN ACT relating to the jurisdiction and authority in criminal matters of justices of the peace of country precincts in a Class "A" county.

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

SECTION 1. In a Class "A" county no justice of the peace of a precinct outside the limits of an incorporated city or town shall have jurisdiction to receive a complaint or to issue a warrant for any criminal offense committed outside of the boundaries of his precinct, or to issue a search warrant for the seizure of property located outside his precinct.

Class "A" counties.

Limits of jurisdiction.

Passed the House December 27, 1933.

Passed the Senate December 27, 1933.

Approved by the Governor December 30, 1933.

CHAPTER 5.

[H. B. 118.]

GAME AND GAME FISH.

AN ACT relating to wild animals, wild birds and game fish, and referring to rules and regulations of the state game commission; providing penalties for the violation thereof; and declaring that this act shall take effect immediately.

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

SECTION 1. Unless another penalty is specifically provided by law, any person violating or failing to comply with any rules or regulations of the state game commission shall be guilty of a misdemeanor.

Violation.

Penalty.

Effective
immediately.

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

Passed the House December 21, 1933.

Passed the Senate December 28, 1933.

Approved by the Governor December 30, 1933.

CHAPTER 6.

[H. B. 14.]

KIDNAPING.

AN ACT relating to the crime of kidnaping and the punishment therefor, and repealing section 158, chapter 249, Session Laws, 1909 (section 2410, Remington's Revised Statutes of Washington), and declaring that this act shall take effect immediately.

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

SECTION 1. Every person who shall wilfully,

Kidnaping
defined.

First degree.

Death
penalty or
life im-
prisonment.

(1) Seize, confine or inveigle another with intent to cause him without authority of law to be secretly confined or imprisoned, or in any way held to service with the intent to extort or obtain money or reward for his release or disposition, shall be guilty of kidnaping in the first degree, and upon conviction thereof shall be punished by death or by imprisonment in the state penitentiary for life as the jury shall determine; and in every trial for kidnaping in the first degree, the jury shall, if it find the defendant guilty, also find a special verdict as to whether or not the death penalty shall be inflicted; and if such special verdict is in the affirmative, the penalty shall be death, otherwise, it shall be as herein provided. All executions in accordance herewith shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof: *Provided*, the time when

such execution shall take place shall be set by the trial judge at the time of imposing sentence and as a part thereof.

(2) Lead, take, entice away or detain a child under the age of sixteen years with intent to conceal him from his parent, parents, guardian or other lawful person having care, custody or control over him, or with intent to steal any article from his person, but without the intent to extort or obtain money or reward for his return, or shall abduct, entice, or by force or fraud unlawfully take or carry away another to or from a place without the state, and shall afterwards send, bring or keep such person, or cause him to be kept or secreted within the state without the intent to extort or obtain money or reward for his release or disposition, shall be guilty of kidnaping in the second degree and shall be punished as in the case of a felony.

Second
degree.

Felony.

SEC. 2. That section 158, chapter 249, Session Laws, 1909 (section 2410, Remington's Revised Statutes of Washington) be and the same is hereby repealed.

Repeals
§ 158, ch. 249,
Laws of 1909.

SEC. 3. It shall be a felony for two or more persons to enter into an agreement, confederation or conspiracy to commit kidnaping in the first degree or kidnaping in the second degree as the same are in this act defined, and in any prosecution for a violation of the provisions of this section it shall not be necessary to prove that any overt act has been done in furtherance of such agreement, confederation or conspiracy in order to prove the commission of such crime.

Conspiracy.

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

Effective
immediately.

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

Passed the House December 30, 1933.

Passed the Senate December 29, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 7.

[H. B. 28.]

LABOR DISPUTES.

AN ACT relating to labor, and labor disputes, defining and limiting the powers of the courts of this state in the granting of restraining orders and injunctions in cases involving or growing out of any labor dispute, and in the trial and punishment for contempt for violation thereof, declaring the public policy of the State of Washington with respect thereto and with respect to contracts of employment and hiring, and repealing all acts and parts of acts in conflict therewith.

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

SECTION 1. No court of the State of Washington or any judge or judges thereof shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of this act; nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this act.

SEC. 2. In the interpretation of this act and in determining the jurisdiction and authority of the courts of the State of Washington, as such jurisdiction and authority are herein defined and limited, the public policy of the State of Washington is hereby declared as follows:

WHEREAS, Under prevailing economic conditions, developed with the aid of governmental authority

Court's
jurisdiction
in labor
disputes.

Public
policy
defined.

for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his fellows, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protections; therefore, the following definitions of, and limitations upon, the jurisdiction and authority of the courts of the State of Washington are hereby enacted.

Organization
of workers.

SEC. 3. Any undertaking or promise, such as is described in this section, or any other undertaking or promise in conflict with the public policy declared in section 2 of this act, is hereby declared to be contrary to the public policy of the State of Washington, shall not be enforceable in any court of the State of Washington, and shall not afford any basis for the granting of legal or equitable relief by any such court, including specifically the following:

Contracts
conflicting
with public
policy un-
enforceable.

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation and any employee or prospective employee of the same, whereby—

(a) Either party to such contract or agreement undertakes or promises not to join, become, or re-

main a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

Court's
jurisdiction
withdrawn.

SEC. 4. No court of the State of Washington shall have jurisdiction to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute or prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 3 of this act;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any state;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 3 of this act.

SEC. 5. No court of the State of Washington or any judge or judges thereof shall have jurisdiction to issue a restraining order or temporary or permanent injunction upon the ground that any of the persons participating or interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 4 of this act.

Jurisdiction
withdrawn.

SEC. 6. No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court of the State of Washington for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

Liability
for unlaw-
ful acts.

SEC. 7. No court of the State of Washington or any judge or judges thereof shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as herein defined, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect—

Jurisdiction
limited.

(a) That unlawful acts have been threatened and will be committed unless restrained or have been

committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons, association, or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

(b) That substantial and irreparable injury to complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon complainant by the denial of relief than will be inflicted upon defendants by the granting of relief;

(d) That complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect complainant's property are unable or unwilling to furnish adequate protection.

Hearings.

Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all persons against whom relief is sought, and also to the chief of those public officials of the county and city within which the unlawful acts have been threatened or committed charged with the duty to protect complainant's property: *Provided, however,* That if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such a temporary restraining order shall be effective for no longer than five days and shall become void at the expiration of said five days. No temporary restraining order or temporary injunction shall be issued except on condition that complainant shall

Temporary
restraining
order.

first file an undertaking with adequate security in an amount to be fixed by the court sufficient to recompense those enjoined for any loss, expense, or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

Undertaking.

The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against said complainant and surety, upon a hearing to assess damages of which hearing complainant and surety shall have reasonable notice, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by suit at law or in equity.

SEC. 8. No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

Restraining order.

SEC. 9. No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case

Restraining order.

involving or growing out of a labor dispute, shall include only a prohibition of such specific act or acts as may be expressly complained of in the complaint or petition filed in such case and as shall be expressly included in said findings of fact made and filed by the court as provided herein.

Appeal to
supreme
court.

SEC. 10. Whenever any court of the State of Washington shall issue or deny any temporary injunction in a case involving or growing out of a labor dispute, the court shall, upon the request of any party to the proceedings, and on his filing the usual bond for costs, forthwith certify the entire record of the case, including a transcript of the evidence taken, to the Supreme Court for its review. Upon the filing of such record in the Supreme Court, the appeal shall be heard and the temporary injunctive order affirmed, modified, or set aside with the greatest possible expedition, giving the proceedings precedence over all other matters except older matters of the same character.

Trial for
contempt.

SEC. 11. In all cases arising under this act in which a person shall be charged with contempt in a court of the State of Washington, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county wherein the contempt shall have been committed: *Provided*, That this right shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or to apply to the misbehavior, misconduct or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

Venue.

SEC. 12. The defendant in any proceeding for contempt of court may file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge and if the

attack occurred elsewhere than in the presence of the court or so near thereto as to interfere directly with the administration of justice. Upon the filing of any such demand the judge shall thereupon proceed no further, but another judge shall be designated in the same manner as provided by law. The demand shall be filed prior to the hearing of the contempt proceeding.

SEC. 13. When used in this act, and for the purpose of this act—

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, or occupation; or have direct or indirect interests therein; or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees; (2) between one or more employers or associations of employers and one or more employers or association of employers; or (3) between one or more employees or association of employees and one or more employees or association of employees; or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

Labor
dispute
defined.

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it, and if he or it is engaged in the same industry, trade, craft, or occupation in which dispute occurs, or has a direct or indirect interest therein or is a member, officer, or agent of any association composed in whole or in

Person or
association.

part of employers or employees engaged in such industry, trade, craft, or occupation.

"Labor dispute."

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

Invalidity of part not to affect balance.

SEC. 14. If any provision of this act or the application thereof to any person or circumstance is held unconstitutional, or otherwise invalid, the remaining provisions [provisions] of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Repeals conflicting acts.

SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the House December 22, 1933.

Passed the Senate December 29, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 8.

[H. B. 107.]

AMENDMENT RELATING TO EMERGENCY RELIEF
ADMINISTRATION.

AN ACT amending section 15 and section 17 of chapter 8, Session Laws of Washington, 1933, entitled: "An Act to relieve the people of the state from hardships and suffering caused by unemployment; creating and defining the duties of an emergency relief administration, and making an appropriation for such purpose; providing penalties, and declaring that this act shall take effect immediately.", and declaring that this act shall take effect immediately.

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

SECTION 1. That section 15 of chapter 8, Session Laws of Washington, 1933, be amended to read as follows: Amends
§ 15, ch. 8,
Laws of 1933.

Section 15. *State Aid.* The administration may State aid.
determine in its discretion from time to time the apportionment of funds as between work relief and home relief. Payment by the state to a county welfare board or county under this act shall not exceed fifty per centum of the amount of expenditures for such home relief and/or work relief as is approved by the administration during the emergency period. As a condition to the receiving of such grant of aid Conditions.
for home relief the county shall appropriate and make available to such board moneys equal to at least fifty per centum of its requirements. Payments Payments.
by the state to a city or county under this act for work relief shall not exceed fifty per centum of the said expenditures. The administration may in addition, with the approval of the governor, make Direct grants.
direct grants to a county welfare board for home relief and/or work relief and to a county or city for work relief on such conditions as it may prescribe. The administration may also, in addition, with the approval of the governor, make direct

grants to a county welfare board to aid in county or city projects required to be built under contract and financed directly or indirectly through loans or grants from the United States or any of its agencies, an amount not exceeding thirty per centum of the cost of labor and material entering into such projects, which grant shall be made in payments to the county or city from time to time in proportion to the amounts paid by such county or city on account of labor and material entering into such project. All moneys paid to persons receiving the relief provided by and pursuant to this act shall be inalienable by an assignment or transfer and shall be exempt from levy and execution under the laws of the state.

Exemption
from levy.

Amends
§ 17, ch. 8,
Laws of 1933.

SEC. 2. That section 17, chapter 8, Session Laws of Washington, 1933, be amended to read as follows:

Expendi-
tures.

Section 17. *Expenditures on State Improvements.* The administration may set aside, retain and expend of the moneys appropriated to it, such amount as it may deem necessary, for temporary employment on public improvements undertaken or required by the state and not let or to be let by contract, of persons entitled to relief under this act and of such amount the administration may expend a sum not to exceed ten per centum thereof for the purchase of materials, tools and other supplies needed for the proper performance of such work: *Provided*, That with the approval of the governor, appropriations and/or allotments heretofore made, or any allotments hereafter made, including federal funds, for improvements at state institutions during biennial period ending March 31, 1935, may be expended for labor and/or materials or for both, in such proportions as the administration may determine.

State im-
provements.

10% for
purchase of
materials.

State institu-
tions ex-
penditures.

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

Effective immediately.

Passed the House December 30, 1933.

Passed the Senate December 29, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 9.

[H. B. 123.]

BANKS, TRUST COMPANIES AND MUTUAL SAVINGS BANKS INSURING DEPOSITS.

AN Act relating to banks, trust companies and mutual savings banks, authorizing membership in the federal reserve banking system and the insuring of their deposits under the laws of the United States.

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

SECTION 1. Any bank, trust company or mutual savings bank may become a member of the federal reserve banking system of the United States and to that end may comply with all laws of the United States and all rules, regulations and requirements promulgated pursuant thereto, including the investment of its funds in the stock of a Federal Reserve Bank; and any bank, trust company or mutual savings bank, whether a member of the federal reserve system or not, may invest its funds in the stock of the Federal Deposit Insurance Corporation created by the Act of Congress approved June 16, 1933, and may participate in the insurance of bank deposits and obligate itself for the cost of such participation by assessments or otherwise in accordance with the laws of the United States.

Banks, trust companies, or mutual savings banks.

Membership in Federal reserve banking system.

Insurance of bank deposits.

Passed the House December 21, 1933.

Passed the Senate December 30, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 10.

[H. B. 129.]

BUSINESS TAX REFUND.

AN ACT making appropriations to pay refunds and judgments for refunds of taxes and interest and costs, amending section 28 of chapter 191, Session Laws of 1933, entitled: "An Act relating to taxation; imposing taxes upon the privilege of engaging in business activities and providing for the ascertainment, assessment, collection and distribution thereof; providing for the administration and enforcement of this act; providing penalties; making appropriations; and declaring that this act shall take effect immediately," and declaring that this act shall take effect immediately.

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

Amends
§ 28, ch. 191,
Laws of 1933.

SECTION 1. That section 28, chapter 191, Session Laws of 1933, be, and the same is hereby, amended to read as follows:

Appropriation
\$2,000,000.

Section 28. There is hereby appropriated from the current state school fund and the state treasurer shall pay out of said fund and none other, the sum of two million dollars (\$2,000,000.00) or so much thereof as shall be necessary for the purpose of paying any and all judgments ordering the repayment and refunding of any taxes paid under the provisions of this act by any and all public service companies doing an interstate business.

Refund of
taxes.

Appropriation
\$50,000.

There is hereby appropriated from the current state school suspense fund the sum of fifty thousand dollars (\$50,000.00), or so much thereof as shall be necessary for the purpose of paying the interest on any and all taxes paid under the provisions of this act by any and all public service companies doing an interstate business as ordered and directed by any judgment or judgments ordering the repayment or refunding of such taxes, and also for the purpose of paying the costs taxable against the defendants in any actions or suits in which such judgment or judgments was or were entered.

Refund of
interest.

There is hereby appropriated from the current state school suspense fund the sum of fifty thousand dollars (\$50,000.00), or so much thereof as shall be necessary for the purpose of making refunds as provided by this act, and not otherwise provided in this section.

Appropriation \$50,000.

Refunds.

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

Effective immediately.

Passed the House December 20, 1933.

Passed the Senate December 29, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 11.

[S. B. 56.]

IRRIGATION DISTRICT BONDS.

AN ACT relating to irrigation district bonds and refunding bonds, amending sections 1 and 4, chapter 161, Session Laws of 1923, being sections 7434-1 and 7434-4, Remington's Compiled Statutes of Washington, 1927 Supplement, and section 2, chapter 259, Laws of 1927, being section 7434-5 Remington's Compiled Statutes of Washington, 1927 Supplement, validating and confirming bond proceedings heretofore had or any bonds heretofore authorized, issued or disposed of; and amending chapter 4, of title 48, Remington's Compiled Statutes of Washington, 1927 Supplement, by adding thereto a new section to be known as section 7432½, declaring an emergency and providing that this act shall take effect immediately.

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

SECTION 1. That section 1, chapter 161, Laws of 1923, being section 7434-1, Remington's Compiled Statutes of Washington, be amended to read as follows:

Amends § 1, ch. 161, Laws of 1923.

Section 1. That in addition to any other method of refunding irrigation district bonds authorized by law, bonds heretofore or hereafter issued by any

Irrigation district bonds refunded.

irrigation district in this state may be refunded in whole or in part in the manner hereinafter provided.

Amends
§ 4, ch. 161,
Laws of 1923.

SEC. 2. That section 4, chapter 161, Laws of 1923, being section 7434-4, Remington's Compiled Statutes of Washington, be amended to read as follows:

Exchanged
for outstand-
ing bonds.

Section 4. Bonds issued under and by virtue of this chapter may be exchanged for outstanding bonds at not less than the par value of the bonds refunded or may be sold at not less than ninety per cent of their par value, and all money derived from the sale of such bonds shall be applied to the redemption of any or all of the outstanding bonds of said district to be refunded and any such outstanding bonds so refunded shall be endorsed in red ink "Refunded Bonds" and filed and preserved for one year and then destroyed by the county treasurer in the presence of witnesses: and the secretary of said district and the county treasurer of said county shall keep a record of such bonds so refunded and shall note the date of the refunding and the date of the destruction of the refunded bonds and in whose presence they were destroyed.

Sold for not
less than
90% of par.

Amends
§ 2, ch. 259,
Laws of 1927.

SEC. 3. That section 2, chapter 259, Laws of 1927, being section 7434-5, Remington's Compiled Statutes of Washington, 1927 Supplement, be amended to read as follows:

Bonds
refunded
in series.

Section 2. Where the bonds to be refunded are serial bonds and not subject to call, the refunding bonds or any part of the same may be issued in such series as the board of directors of the district shall deem necessary to take up the series or any part thereof to be refunded, and shall be dated as of the maturity of the series or any part of the same to be refunded. The election aforesaid shall be sufficient authority for the directors to issue sufficient bonds to retire the entire outstanding issue of bonds

to be refunded, but none of said refunding bonds shall be signed before the date of their issue, and until signed shall be deposited and kept in the office of the county treasurer; with the consent of the holders of all or any portion of the outstanding bonds of any issue the directors may retire all or any portion of such bonds before their maturity and may issue refunding bonds for that purpose.

Retired
before
maturity.

SEC. 4. Any and all proceedings heretofore had and any and all bonds heretofore authorized and issued to redeem or to refund unmatured bonds under the provisions of chapter 161, Laws of 1923, as amended by chapter 259, Laws of 1927, but without the unanimous consent of the holders of unmatured bonds to be refunded, are hereby validated and confirmed.

Former
proceedings
confirmed.

SEC. 5. That chapter 4 of title 48, Remington's Compiled Statutes of Washington, 1927 Supplement, be amended by adding thereto a new section to be known as section 7432½ to read as follows:

Amends
ch. 4, title 48,
Rem. Comp.
Stat. 1927
Sup.

Section 7432½. That the procedure outlined in sections 7431½ to 7432 both inclusive of Remington's Compiled Statutes of Washington, 1927 Supplement, and in section 7433 of Remington's Compiled Statutes of Washington, for the authorization, issuance and disposal of bonds as heretofore constituted and shall hereafter constitute a method independent and exclusive of that provided by any other statute or statutes, for the authorization, issuance and disposal of bonds of the district for any and all of the objects and purposes in said sections provided, and any or all proceedings heretofore had, official acts heretofore performed or any bonds heretofore authorized or issued or disposed of in substantial accordance with the provisions of said sections are hereby validated and confirmed.

Procedure
confirmed.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety,

Effective
immediately.

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

Passed the Senate December 20, 1933.

Passed the House December 27, 1933.

Approved by the Governor January 4, 1934.

CHAPTER 12.

[H. B. 180.]

WASHINGTON AGRICULTURAL ADJUSTMENT ACT.

AN ACT declaring the existence of a state and national agricultural emergency, declaring the policy of the legislature, approving and adopting the provisions of the National Agricultural Act and any marketing agreement approved or prescribed by the Secretary of Agriculture of the United States, defining marketing agreements, restricting the authority of the state or any municipal corporation within the state to purchase material and supplies, providing for the regulation and enforcement of marketing agreements, establishing standards of fair competition, empowering the director of agriculture, with the approval of the Governor, to make rules and regulations to control the productions, storage, transportation, sale and distribution of agricultural commodities and to issue licenses licensing the persons handling or processing agricultural products, prescribing the methods and the persons entitled to licenses, granting jurisdiction to courts for the trial and prosecution of any violation of this act, directing the attorney general and any prosecuting attorney within the state to prosecute any violation of this act, prescribing methods of issuing licenses and revocation thereof, creating Board of Review, making it unlawful for any persons to engage in the handling, processing or wholesaling of agricultural products without a license, prescribing the amount of license fees to be paid, making appropriation for the administration of this act, defining agricultural commodities and persons engaged in the handling thereof, defining the time when this act shall cease to be in effect, and repealing section 6242 of Remington's Revised Statutes, and for other purposes and declaring that this act shall take effect immediately.

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

SECTION 1. That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricul-

tural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities and has seriously impaired the agricultural assets supporting the state credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of this act.

SEC. 2. It is hereby declared to be the policy of the legislature: Legislative policy.

(1) To establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of agricultural commodities in the basic period. The basic period in the case of all agricultural commodities shall be the pre-war period, August, 1909 - July, 1914. Balance between production and consumption.
Basic period.

(2) To approach such equality of purchasing power by gradual correction of the present inequalities therein at as rapid a rate as is deemed feasible in view of the current consumptive demand in domestic markets. Gradual correction.

(3) To protect the consumers' interest by readjusting farm production at such level as will not increase the percentage of the consumers' retail expenditures for agricultural commodities, or products derived therefrom, which is returned to the farmer, above the percentage which was returned to the farmer in the pre-war period, August, 1909 - July, 1914. It is hereby declared to be the policy of this Production level.

Cooperation with National Government.	state to cooperate with and assist the national government in promoting the rehabilitation of agriculture and in eliminating the causes of the collapse of agricultural purchasing power, and to that end to bring about the formulation of marketing agreements as may be approved by the Secretary of Agriculture of the United States and the enforcement of such agreements within this state between producers and distributors or marketing agencies handling the products of agriculture or subdivisions thereof engaged in transactions in or affecting intrastate commerce therein and those engaged therein in transactions in or affecting interstate or foreign commerce.
Marketing agreements.	
Intrastate commerce.	
Interstate commerce.	

SEC. 3. (a) When used in this act, the following terms shall, unless the context otherwise indicates, have the following respective meanings:

"Secretary." (1) The word "secretary" shall mean the Secretary of Agriculture of the United States of America.

"Congress." (2) The word "Congress" shall mean the Congress of the United States of America.

"Governor." (3) The word "Governor" shall mean the Governor of this state.

"Director." (4) The word "director" shall mean the director of agriculture of this state, or his designated agent.

"Person." (5) The word "person" shall mean and include individuals, corporations, associations, trusts and partnerships existing under or authorized by the laws of the United States of America or of this state or of any other state, territory, or possession of said United States, or of any foreign country.

"National Agricultural Adjustment Act." (6) The words "National Agricultural Adjustment Act" shall mean the act passed by the Congress known by the short title of the "Agricultural Adjustment Act," approved May 12, 1933.

"Marketing agreement." (7) The words "marketing agreement" shall mean any such agreement approved by the secretary

after public hearing and otherwise in conformity with the provisions of the National Agricultural Adjustment Act, and any agreement which the director may make in conformity with the provisions and authority of this act.

(8) The word "license" shall mean any license or permit issued by the secretary or the director or his duly designated agent. "License."

(9) The word "written" shall include printed or typewritten. "Written."

(10) The words "Party to a Marketing Agreement approved or prescribed by the secretary pursuant to terms of the National Agricultural Adjustment Act" shall include any person who made application to the secretary or to the director for the approval of such agreement, or who authorized the making of such application by any other person on his behalf, or who is bound by a license or otherwise by the provisions of such agreement and entitled to the benefits thereof. "Party to Marketing Agreement."

(11) Words in this act, unless the context otherwise indicates, in the present tense include other tenses thereof as well as the present; in the masculine gender include the feminine and neuter; in the neuter gender include the masculine and feminine; in the singular number include the plural and in the plural number include the singular. Words in Act Tense; Gender; Number.

SEC. 4. The provision of any marketing agreement approved or prescribed by the secretary pursuant to the terms of the National Agricultural Act for any agricultural industry or subdivision thereof shall be considered as the standard of fair competition for such agricultural industry or subdivision thereof in all its intrastate transactions within this state. The violation of such standard by any person engaged in such trade or industry or subdivision thereof within this state shall be deemed the use of unfair methods of competition. The use by any per- Standards of fair competition. Violations.

Penalty.

son of unfair methods of competition as defined by this act shall be unlawful and contrary to the public policy and welfare of this state, and any person violating any provision of such marketing agreement approved or prescribed by the secretary, or such marketing agreement approved or prescribed by the director, shall be guilty of a gross misdemeanor.

Restrictions
in letting of
contracts.

SEC. 5. In order to further aid the purposes and policy of the National Agricultural Adjustment Act and this act while this act is in effect, the governing body of any political subdivision, municipal corporation or district and any public officer or person charged with the letting of contracts for (1) the purchase and/or sale of agricultural products and their derivatives, or (2) for the purchasing of agricultural products and their derivatives for public use, shall let such contracts only to those who agree in and by the terms of such contract to use or supply only articles, materials and supplies produced, manufactured or supplied by a person who is a party to a marketing agreement approved or prescribed by the secretary or the director pursuant to the terms of the National Agricultural Adjustment Act or of this act.

Complaint to
Attorney
General or
Prosecuting
Attorney.

SEC. 6. Upon the complaint of a private party to the attorney general of this state or to any prosecuting attorney of any county of this state showing that any person engaged in trade or industry in this state is using unfair methods of competition, it shall be the duty of such attorney general or of said prosecuting attorney to whom such complaint may be made, in the name of the State of Washington, to investigate such complaint and after such investigation, if sufficient ground is found to exist therefor, he shall forthwith prosecute such person in accordance with the criminal procedure prescribed by the statute of this state. Such prosecution may be instituted or brought in any county in this state

Granting
jurisdiction
to courts.

in which the defendant, or any of the defendants, resides, or in which such unlawful act was committed or in which the defendant, or any of the defendants, has his principal place of business.

SEC. 7. In order to effectuate and carry out the declared policy of this state and the provisions of the Agricultural Adjustment Act of the United States, the director of agriculture of this state is hereby vested and empowered (1) to make rules and regulations with the approval of the Governor and to provide for the regulation and control of production, storage, transportation, sale and distribution of the agricultural commodities or products thereof or competing commodities and products thereof for such time as the present economic emergency exists and (2) to enter into marketing agreements with processors, associations of producers, and other persons engaged in the handling, manufacturing, producing, processing, dealing or sale of agricultural commodities or products thereof in this state. The making of any such agreement shall not be held to be in violation of any provisions of the statutes of this state: *Provided*, That no such agreement shall be and remain in force after the termination of this act.

Director of Agriculture, powers to make rules and regulations with approval of Governor.

Marketing agreements.

Termination.

SEC. 8. To issue licenses or permits to processors, manufacturers, associations of producers, and all other persons engaged in the handling in the current of intrastate commerce of any agricultural commodities or products thereof or any competing commodities or products thereof. Such license shall be subject to such terms and conditions not in conflict with existing legislation or regulations pursuant thereto, as may be necessary to eliminate unfair practices or charges that prevent or tend to prevent the effectuation of the declared policy of this state and the restoration of normal economic conditions in the marketing of such commodities or products.

Licenses or permits, intrastate commerce.

Revocation. The director may for sufficient cause revoke any such license after due notice and opportunity for hearing, as herein provided, for violations of the terms or conditions thereof.

Licenses and permits.

SEC. 9. It shall be the duty of the director to issue licenses or permits, as herein provided, to any person handling agricultural commodities, as herein defined, upon the application thereof and the agreement on the part of such applicant that he will comply with the terms and conditions of any marketing agreement approved or prescribed by the secretary or approved or prescribed by the director, and the payment of a license fee herein prescribed: *Provided*, That the director may in his discretion deny or refuse a license to any person who intends to engage in the processing or wholesaling of agricultural products in any place within this state if the director should be satisfied that the market in such territory is amply supplied and that the granting of such license to the person applying therefor, who had not theretofore been engaged in such business within said territory, would unnecessarily tend to increase the cost to the consumer of such product and tend to decrease the purchasing price to be paid to the producer.

Application.

Refusal of license.

Director may cancel.

SEC. 10. (a) The director may cancel, revoke or suspend, upon hearing duly had, the license of any person violating the provisions of any marketing agreement or this act. If the director shall find that any licensee is violating the provisions of any marketing agreement or this act, he shall cause a notice to be served upon such licensee, in writing, setting forth the provisions of the marketing agreement or of this act which the licensee is charged with violating, and shall set the date, and such date shall be contained in such notice upon which a hearing will be had to determine whether or not the licensee is violating any such provision, which date

Notice.

Hearing.

shall not be less than ten days and not more than twenty days from the date such notice is served. Such hearing may be continued from time to time at the discretion of the director. Upon hearing thereof the evidence submitted shall be reduced to writing and the licensee shall have the right to submit and produce such evidence and proof which he believes will tend to disprove the charges against him, but if after all of the evidence has been introduced the director shall be satisfied that the licensee has violated the provisions of any marketing agreement or of this act, it shall be his duty to cancel or revoke such license for such period as the director may deem proper.

Duty of director to revoke license.

(b) The licensee shall have the right to appeal from the decision of the director to the Board of Review herein created. Such appeal may be taken at any time within ten days from the date the license was cancelled or suspended, by filing a notice in writing with such director, setting forth that the licensee desires to have the action of the director reviewed by the Board of Review. Upon such notice being filed with the director it shall be his duty to forthwith, and not later than five days after, transmit and file with the Board of Review all the proceedings, papers and documents and evidence taken before the director in the case.

Appeal within 10 days to Board of Review.

(c) Upon such proceedings being filed with the Board of Review, it shall be the duty of the chairman thereof to forthwith, and not later than ten days thereafter, convene the Board of Review and examine and review the proceedings had before the director. No additional evidence shall be presented unless the Board of Review so directs. The Board of Review may reverse, modify or affirm the decision of the director.

Duty of chairman to convene board.

SEC. 11. The secretary of state, the director of conservation and development and the director of

Creating
Board of
Review.

the Extension Service of the Washington State College are hereby constituted a Board of Review to review the actions of the Director of Agriculture. The director of conservation and development shall be secretary of such board, and all of the proceedings shall be filed with him. Upon the filing of such proceedings it shall be his duty to convene the Board as soon as convenient and possible to review the actions of the director. The majority of the members of the Board shall constitute a quorum, and it shall take the affirmative vote of the majority of the Board to reverse the decision of the director.

Quorum.

License
required.

SEC. 12. It shall be unlawful for any person to engage in handling, processing, wholesaling or retailing of any agricultural produce without first having obtained a license. Any person violating the provisions of this act shall be guilty of a gross misdemeanor, and each day during which the violation continues shall constitute a separate offense.

Penalty.

Report to
director.

SEC. 13. It shall be the duty of any person engaged in the handling, selling or processing of any agricultural commodities or products to furnish a report to the director upon request, in writing, showing the amount, products and quality of agricultural commodities processed, sold, bought or handled by him, and the price paid for such product to the producer, and the price that it was sold to the consumer, and furnish other information as the director may require from time to time.

License fee.

SEC. 14. The director, with the consent of the Governor, shall prescribe the amount or sum to be paid for the issuance of a license which amount the director and Governor deem to be charged to defray the expenses of administrating this act. Such license shall not be less than \$1.00 nor more than \$25.00 per annum for retailers of agricultural products, and not less than \$50.00 nor more than \$250.00

Retailers.

per annum for the processor or wholesaler of agricultural products. No license shall be granted to any person unless the fee to be charged therefor shall first have been paid. Such fee shall be paid to the director and disbursed by him to the treasurer of the State of Washington.

Wholesaler.

SEC. 15 (a) There is hereby appropriated out of any money in the treasury of the State of Washington, not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) to be available to the director of agriculture for administrative expenses under this act, but in no case shall such expenses exceed the receipts from licenses collected under this act.

Appropriation
\$50,000.Expenses
shall not exceed receipts.

(b) The director of agriculture, with the approval of the Governor, shall estimate from time to time the amounts necessary and required for the administration of this act and the amount necessary to be charged as license fee to the person engaged in handling, processing and wholesaling agricultural products, and the state treasurer shall, out of any money in the treasury not otherwise appropriated, advance to the director of agriculture the amount so estimated, which amount shall then be retained by the treasurer from the license fees collected.

Estimate
by director.

SEC. 16. As used in this act, the term "basic agricultural commodity" means wheat, field corn, hogs, beef, poultry, eggs, fruit, and milk and its products, and any regional or market classification, type or grade thereof; but the director of agriculture shall exclude from the operation of the provisions of this act, during any period, any such commodity or classification, type or grade thereof if he finds, upon investigation at any time and after due notice and opportunity for hearing to interested parties, that the conditions of productions, marketing and consumption are such that during such period this act cannot be effectively administered to the end of effectuating

"Basic
agricultural
commodity."

Exclusions.

the declared policy with respect to such commodity or classification, type or grade thereof.

"Retailer." SEC. 17. (a) Any person selling or retailing to the consumer any agricultural products is hereby defined as a retailer.

"Wholesaler." (b) Any person selling, wholesaling or retailing processed or unprocessed agricultural products is hereby defined to be a wholesaler.

"Processor." (c) Any person processing any agricultural product and selling the same to wholesaler or retailer, as herein defined, is hereby defined as a processor.

Expiration of act. SEC. 18. This act shall cease to be in effect at the expiration of two years from the date of its enactment, or sooner if the Governor shall by proclamation declare that the emergency recognized by section 1, of this act has ended; and the Governor shall so declare, within five days after the President by proclamation or the Congress by joint resolution shall declare that the emergency recognized by title 1 of the National Agricultural Adjustment Act has ended.

Invalidity of part not to affect balance. SEC. 19. 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 or part thereof, irrespective of the fact that one or more sections, sentences, clauses or parts hereof be declared unconstitutional.

Title of act. SEC. 20. This act may be known and cited as the Washington Agricultural Adjustment Act.

Effective immediately. SEC. 21. This act is necessary for the immediate preservation of public peace, health and safety, for the preservation of the financial structure of the state, for the preservation of agriculture and to prevent a financial crisis, and for the support of the

state government and its existing institutions, and shall take effect immediately.

SEC. 22. That section 6242 of Remington's Revised Statutes of the State of Washington be and the same is hereby repealed. } *Vetoed.*

Passed the House December 30, 1933.

Passed the Senate December 29, 1933.

Approved by the Governor January 4, 1934, except as to section 22, which is vetoed.

I hereby certify that the House of Representatives failed to pass section 22 of House Bill No. 180 notwithstanding the veto of the Governor.

Dated this 4th day of January, 1934.

S. R. HOLCOMB,

Chief Clerk of the House of Representatives.

CHAPTER 13.

[S. B. 72.]

RECLAMATION OF AGRICULTURAL LANDS.

AN ACT relating to the department of conservation and development of the State of Washington and to the state reclamation revolving fund which is administered by said department; enlarging the powers and duties of the director of said department in regard to said fund, and amending section 5 of chapter 158 of the Laws of 1919 as amended by chapter 132 of the Laws of 1923 (same being section 3008 of Remington's Compiled Statutes of Washington); providing for the disposition of monies received by the State of Washington from certain fees, providing that same be paid into the state reclamation revolving fund, and amending section 3 of chapter 105, Laws of 1929; same being section 11575-3 of Remington's Compiled Statutes, exempting the Columbia Basin Commission or its assignee, the United States Bureau of Reclamation, from payment of fees in connection with the appropriation and use of waters of the Columbia River for development of the Grand Coulee project, and amending section 44, chapter 117, Laws of 1917, as amended, being section 7399 of Remington's Compiled Statutes; making an appropriation from the state reclamation revolving fund for the financing of irrigation and diking and/or drainage improvement districts, as set forth in and provided by chapter 16 of the Ses-

sion Laws of 1933, regular session, and providing that this act shall take effect immediately.

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

Amends
§ 5, ch. 158,
Laws 1919,
as amended
by ch. 132,
Laws 1923.

SECTION 1. That section 5 of chapter 158 of the Laws of 1919, as amended by chapter 132 of the Laws of 1923 of the State of Washington, same being section 3008 of Remington's Compiled Statutes of Washington, be amended to read as follows:

Director of
conservation
and
development.

Section 5. In carrying out the purposes of this act, the director of the department of conservation and development of the State of Washington shall be authorized and empowered:

Powers and
duties.

Surveys and
investigation.

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

Adopt policy
for develop-
ment of
agricultural
resources.

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

Aid to
reclamation
districts.
Purchase
of bonds.

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds of such district in payment therefor, and to expend the monies appropriated from the reclamation fund in

the purchase of such bonds or in carrying out such contracts: *Provided*, That interest not to exceed the annual rate provided for in the bonds agreed to be purchased, shall be charged and received for all monies advanced to the district prior to the delivery of the bonds and the amount of such interest shall be included in the purchase price of such bonds. *Provided further*, That no district, the bonds of which have been purchased by the state under the provisions of the State Reclamation Act, shall thereafter during the life of said bonds make expenditures of any kind from the bond fund of the district or incur obligations chargeable against such fund without previous written approval of the director of conservation and development of the State of Washington, and any obligations against such fund incurred without such approval shall be void.

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation fund: *Provided*, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to the Reconstruction Finance Corporation or any other agency supplied with money by the United States of America, or to the United States of America, in which case such bonds may be sold at a discount not exceeding ten per cent (10%) less than par.

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the director, on such terms and rate of interest and over such period of time as the director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the di-

rector shall not have authority to pledge the general credit of the State of Washington: *Provided*, That in reloaning any money so borrowed, or obtained from a sale of bonds it shall be the duty of the director to fix such rates of interest as will prevent impairment of the reclamation revolving fund.

Purchase delinquent tax certificates.

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the State Reclamation Act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: *Provided*, That the director shall be entitled to a delinquent tax certificate upon application to the proper county treasurer therefor without the necessity of a resolution of the board of county commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers.

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

Require safeguards.

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure bona fide settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

To clear and reclaim logged-off lands in the manner hereinafter in this act provided; Logged-off lands.

To employ all necessary experts, assistants and employees, and fix their compensation, and to enter into any and all contracts and agreements necessary to carry out the purposes of this act; Employ experts.

To have the assistance, cooperation and services of, and the use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of public lands, the state department of agriculture, the bureau of farm development, the bureau of statistics, agriculture and immigration, the State College of Washington, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to cooperate with the director in furthering the purpose of this act; Assistance from other state departments.

To cooperate with the United States in any plan of land reclamation or land settlement or agricultural development which the Congress of the United States may provide and which may effect the development of agricultural resources within the State of Washington, or the settlement of soldiers, sailors, and other worthy persons, on the agricultural lands within this state, and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States. Cooperation with United States.

The director shall prepare and report to the legislature, at the commencement of each biennial session, a full statement of his operations and recommendations. Director's report to legislature.

SEC. 2. That section 3 of chapter 105, Laws of 1929 of the State of Washington, same being section 11575-3 of Remington's Compiled Statutes, be amended to read as follows: } vetoed.

Section 3. That all fees paid under provisions of this act shall be credited by the state treasurer to the state reclamation revolving fund.

Vetoed.

SEC. 3. All monies received from the United States, pursuant to the provisions of sections 791 to 823, inclusive, of the United States Code, Vol. 41, Stat. at Large, chapter 1063, commonly known as the Federal Water Power Act, shall be credited by the state treasurer to the state reclamation revolving fund.

Exemption from payment of fees.

SEC. 4. An application filed by the Columbia Basin Commission or its assignee, the United States Bureau of Reclamation, for a permit to appropriate waters of the Columbia River under chapter 117, Laws of 1917, as amended, by section 2 of chapter 161 of the Extra Session Laws of 1925 and by section 8 of chapter 122 of the Laws of 1929, for the development of the Grand Coulee project shall be perfected in the same manner and to the same extent as though such appropriation had been made by a private person, corporation or association, but no fees, as provided for in section 44, chapter 117, Laws of 1917 (section 7399, Remington's Compiled Statutes), shall be required.

Amends § 44, ch. 117, Laws 1917.

Appropriation \$1,250,000.

SEC. 5. There is hereby appropriated from the state reclamation revolving fund, not otherwise heretofore appropriated, the sum of one million two hundred fifty thousand dollars for the purposes set forth in chapter 16 of the Session Laws of 1933, regular session.

Invalidity of part not to affect balance.

SEC. 6. The adjudication of invalidity of any section, clause, or part of a section of this act, shall not impair or otherwise affect the validity of the act as a whole or any part thereof.

Effective immediately.

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 institutions and shall take effect immediately.

Passed the Senate December 20, 1933.

Passed the House December 27, 1933.

Approved by the Governor January 4, 1934, except as to sections 2 and 3, which are vetoed.

I hereby certify that the Senate sustained the Governor's veto as to sections 2 and 3 of Senate Bill No. 72.

GEO. E. STARR,
Secretary of the Senate.

CHAPTER 14.

[H. B. 104.]

SALARY FUND IN CLASS "A" COUNTIES.

AN ACT relating to the creation of a fund in Class A counties for the payment of the salaries and wages of county officers and employees, and providing for the payment and transfer of money to and from said fund, and declaring an emergency.

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

SECTION 1. There is hereby created in Class A counties in this state a fund to be known as the salary fund, to which shall be credited all fees, fines and other receipts heretofore and hereafter directed to be credited to the county current expense fund, save and except real and personal taxes levied for such current expense fund, and the proceeds from the sale of county bonds.

Fund created.

SEC. 2. The salaries and wages of all county officers and employees for which provision has been made in the annual county budget for the current expense fund shall be paid by warrants drawn on said salary fund.

Salaries paid from fund.

SEC. 3. In the event the amount in the salary fund shall not be sufficient to pay in full the warrants drawn thereon, the county treasurer shall transfer to said fund from the current expense fund of said county such sum as may be necessary to pay

Transfer of moneys.

said warrants in full, and shall notify the county auditor of the date and amount of such transfer. Any surplus in said salary fund at the close of the fiscal year shall be transferred to the current expense fund of said county.

Effective
immediately.

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

Passed the House December 28, 1933.

Passed the Senate January 4, 1934.

Approved by the Governor January 6, 1934.

CHAPTER 15.

[H. B. 175.]

FEDERAL SAVINGS AND LOAN ASSOCIATIONS.

AN ACT to enable building and loan associations and savings and loan associations heretofore or hereafter organized to convert themselves into federal savings and loan associations, as now or hereafter authorized by the laws of the United States and any rules and regulations prescribed thereunder, and fixing the manner, terms and conditions for and effect of such conversion, and providing for joint housing of state and federal savings and loan associations.

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

Authoriza-
tion.

SECTION 1. Any savings and loan or building and loan association heretofore or hereafter organized under the laws of this state may convert itself into a federal savings and loan association, as authorized by the act of Congress commonly known as the Home Owners' Loan Act of 1933, approved June 13, 1933, and any amendments of or supplements thereto, or laws hereafter enacted in substitution therefor, and pursuant to any rules and regulations prescribed, or which may hereafter be prescribed

by virtue of or in accordance with said Home Owners' Loan Act of 1933, or the acts amending or supplementing the same, or enacted in substitution therefor.

SEC. 2. Such conversion shall be effected by the affirmative action of a majority vote of the shares represented at a regular or special meeting of the shareholders called for that purpose. Such meeting shall be called by the directors and notice thereof shall be given by mailing a written notice stating the objects of the meeting, a copy of which notice shall be mailed to each shareholder not more than thirty days nor less than ten days before the date of the meeting, addressed to each shareholder, postage prepaid, at his last address as shown upon the books of the association. Proof of the giving of such notice shall be by the affidavit of the secretary.

Majority
vote of
shareholders.

SEC. 3. If conversion be authorized, a copy of the resolutions adopted with respect thereto at such meeting, verified by the affidavit of the president or a vice-president and the secretary or assistant-secretary of the association, shall within ten days after the holding of the meeting be filed in the office of the supervisor of savings and loan.

Filing of
resolutions.

SEC. 4. In the event that conversion be authorized by the shareholders, the officers and directors of such association shall be authorized to, and within six months from the date of the adoption of the resolutions by the shareholders, shall, take the steps necessary to effect a conversion of such association into a federal savings and loan association, and upon such terms as may then be agreed upon between the board of directors of such association and the Federal Home Loan Bank Board, or other proper federal authority. Upon the filing in the office of the supervisor of savings and loan of a certified copy of the charter or authorization is-

Officers
authorized
to effect
conversion.

Supervisor
to deliver
securities.

sued to such savings and loan association by the Federal Home Loan Bank Board, or other proper federal authority, or of a certificate showing the organization of such association as a federal savings and loan association, certified to by the Federal Home Loan Bank Board, or other proper federal authority, the supervisor of savings and loan shall deliver to such association all securities deposited with him by such association, and such state association shall cease to be an active savings and loan association under the laws of this state, except for the purpose of winding up its affairs and prosecuting or defending litigation by or against it and for all other purposes shall be deemed converted into a federal savings and loan association. Said added corporate existence as a state association shall be for a period of six years after such conversion has been completed.

Consumma-
tion of con-
version.

SEC. 5. In consummation of such conversion, the state association may execute, acknowledge and deliver to the successor federal savings and loan association, such instruments of transfer, conveyance and assignment as may be necessary and/or desirable to accomplish the transfer, conveyance and assignments to the successor federal savings and loan association such property, tangible or intangible, and all right, title and interest therein, as may have been agreed between the board of directors of the applicant institution and the Federal Home Loan Bank Board, or other proper federal authority.

Joint or
adjoining
offices.

SEC. 6. State savings and loan associations may occupy joint or adjoining offices, or quarters, with a federal savings and loan association.

SEC. 7. This act is necessary for the preservation of the public peace, health, safety and the sup-

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

Passed the House December 28, 1933.

Passed the Senate January 5, 1934.

Approved by the Governor January 6, 1934.

CHAPTER 16.

[S. B. 19.]

WASHINGTON NATIONAL GUARD.

AN Act authorizing and empowering cities of the State of Washington, in which units of the National Guard of the State of Washington are stationed, or are to be stationed, to acquire sites for and to construct armories, and to issue and sell general obligation bonds for said purposes.

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

SECTION 1. That any city in the State of Washington in which a unit of the National Guard is stationed, or is to be stationed, is hereby authorized and empowered to acquire a site for an armory by gift or purchase, and to construct an armory thereon, and to issue and sell its general obligation bonds for said purposes, within the debt limits prescribed by the constitution, with full power to sell or lease the same to the State of Washington or to the United States. Cities authorized to acquire site for armories.
General obligation bonds.

Passed the Senate December 27, 1933.

Passed the House January 9, 1934.

Approved by the Governor January 12, 1934.

CHAPTER 17.

[H. B. 155.]

MUNICIPAL WATER WORKS.

AN ACT relating to the acquirement, extension, operation and maintenance of waterworks systems by cities and towns, providing for the furnishing of water by such cities and towns to other municipal corporations, communities and persons, and the acquirement and construction of waterworks and distribution systems both inside and outside the city for the purpose of supplying itself and such outside communities with water; fixing the term of utility revenue bonds to pay therefor, and declaring an emergency.

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

Municipal waterworks system.

SECTION 1. Whenever any city or town in the State of Washington owns or operates any municipal waterworks system and shall desire to extend such utility beyond its corporate limits it shall be lawful for such city or town to acquire, construct and maintain any addition to or extension of such system and to sell, dispose of and distribute water to any other municipality, water district, community, corporation or person desiring to purchase the same.

Extension of system

Authoriza-tion.

SEC. 2. Any such city or town is hereby authorized to construct, purchase or acquire any waterworks, pipe lines, distribution systems and any extensions thereof, necessary to furnish such outside communities with water.

Irrigation districts exempt.

SEC. 2A. No city or town shall be authorized to, nor shall it exercise the power of eminent domain to acquire, condemn, take or damage any water works, storage reservoir, site, pipe line distribution system and/or any extension thereof, or any water right, water appropriation, dam, canal, plant, or any interest in, or to any of the above used, operated, held or owned by any irrigation district.

SEC. 3. Any such city or town shall have power to enter into a contract with any such outside municipality, community, corporation or person, for furnishing them with water from the municipal waterworks system, fixing the terms upon which such outside distribution systems will be installed and the rates at which and manner in which payment shall be made for the service rendered.

Contracts with outside communities.

SEC. 4. The council or commission of any such city or town shall by ordinance adopt the scheme for any additions or extensions to its municipal waterworks system under which it is proposed to furnish itself and outside communities with water and the method of financing the same and submit such plan to the qualified voters of such city or town at a general or special election. Such plan, if a general indebtedness is to be incurred, must be assented to by three-fifths of the qualified voters voting at said election, and if no general indebtedness be incurred, such proposition must be adopted by a majority vote. Notice of such election shall be given and general or revenue bonds issued to pay for such utility or extension thereof all as provided by sections 9489 to 9491, inclusive, Remington's Revised Statutes of Washington: *Provided*, That utility bonds payable from the revenues of the water system may have maturities not exceeding thirty years.

Adoption of ordinance to extend system.

Submit plan to voters.

Bonds issued.

Maturity.

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

Effective immediately.

Passed the House December 27, 1933.

Passed the Senate January 6, 1934.

Approved by the Governor January 13, 1934.

CHAPTER 18.

[S. H. B. 135.]

TOLL BRIDGES.

AN ACT granting the board of county commissioners of each county of the State of Washington the power to construct, improve, operate and maintain bridges on any public road within their respective counties over any navigable or other stream or body of water, the issuance of bonds payable solely out of the net revenues of such bridges; the fixation and collection of tolls and charges to be used for the payment of such bonds and the cost of operation of such bridges; the execution of contracts or the taking of action necessary or desirable in connection with the construction, maintenance [maintenance] and operation of such bridges, the issuance and payment of such bonds; and providing that such bonds shall not be debts of the county or counties issuing such bonds; and declaring an emergency.

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

SECTION 1. The following terms wherever used or referred to in this act, shall have the following meaning unless a different meaning appears from the context:

- "County." (a) The term "county" shall mean a county of the State of Washington and may mean two or more of such counties;
- "Board." (b) The term "board" shall mean the board of county commissioners of any county of the State of Washington and may mean two or more such boards;
- "Bridge." (c) The term "bridge" shall mean all property, rights of way, easements, approaches and franchises relating to any bridge authorized to be constructed by this act and may mean two or more of such bridges;
- "Net revenues." (d) The term "net revenues" shall mean the gross revenues of a bridge constructed as authorized by this act, less the reasonable cost of operating and maintaining said bridge;

(e) The term "purchaser" shall mean the purchaser or purchasers of any of the bonds issued as authorized by this act; "Purchaser."

(f) The term "holder" shall mean the holder or holders of any of the bonds issued as authorized by this act. "Holder."

SEC. 2. The board of each county of this state is hereby authorized to construct, improve, operate and maintain bridges on any public road now or which may be hereafter established within their respective counties and any such bridge may be over any navigable or other stream, lake or other body of water. The boards of two or more counties of this state are hereby authorized to construct, improve, operate and maintain bridges on public roads over any navigable or other stream which constitutes a boundary line between the counties and the boards of the said counties may enter into any contract whatsoever relating to the construction, improvement, operation and maintenance of any such bridge and the issuance and payment of the bonds authorized by this act. The board shall in its discretion have authority to employ engineers specially qualified to design and supervise the construction of any toll bridge built pursuant to this act. Board:
authorized to
construct and
maintain
bridges.

SEC. 3. The board shall operate the bridge as a toll bridge until the bonds issued to finance the construction of the same are paid in full, at which time the board may cause the bridge to be operated free of tolls. The board shall have the power to fix a schedule of tolls to be charged for the use of said bridge and may enter into any contract whatsoever with the purchaser with respect to the fixation, collection, segregation and allocation of such toll charges. The board shall maintain the bridge in good condition. Employ
engineers.

SEC. 4. The board is authorized to issue and sell, in appropriate amounts, bonds of the county to Operate as
toll bridge
until bonds
are paid
in full.

Board to
fix schedule
of tolls.

Board may
issue bonds.

Interest and principal payable from net revenue.

Provisions of resolution authorizing bonds.

finance in whole or in part the construction of the bridge, the interest and principal of which bonds shall be payable solely out of the net revenues derived from the operation of the bridge. The said bonds shall be in form and maturity, bear interest, be executed and issued, and sold in the manner provided for in the contract or contracts entered into by the board and the purchaser pursuant to section 5 of this act. Said bonds shall be authorized by resolution or resolutions adopted by a majority of the members of the board. Any resolution or resolutions authorizing the bonds may contain provisions which shall be a part of the contract made with the purchaser or the holder of the bonds as to (a) pledging the tolls and revenues of the bridge to secure the payment of the principal of and interest on the bonds; (b) the rates of the tolls to be charged for use of the bridge and the amounts to be raised in each year by tolls and the use and disposition of the tolls and other revenues; (c) setting aside of reserves and fixing funds and the regulation and disposition thereof; (d) redemption of all or any part of the bonds prior to maturity and the redemption price or prices; (e) limitations on the right of the board and its successors to restrict and regulate the use of the bridge; (f) limitations on the purpose to which the proceeds of the sale of the bonds may be applied; (g) limitations on the issuance of additional bonds; (h) the procedure, if any, by which the terms of any contract with the holder of the bonds may be amended or abrogated, the principal amount of the bonds the holder of which must consent thereto, and the manner in which such consent may be given. The board shall have power out of any funds available therefor to purchase the bonds at a price not more than the principal amount thereof and accrued interest. All bonds so purchased shall be cancelled.

SEC. 5. The board is hereby authorized to enter into contracts with the purchaser containing such terms and provisions as may be agreed upon by the purchaser and the board; and said contracts may contain provisions binding the board to do any of the following: (a) to issue, in appropriate amounts, bonds of the county payable out of the net revenues derived from the operation of the bridge; (b) maintain such bridge in good condition; (c) to fix, pursuant to agreement between the purchaser and the board, the terms upon which said loans shall be made, including the rate of interest, maturity dates, interest payment dates, manner of execution, issuance and sale of the bonds, and any other matters relating thereto.

Contract between board and purchasers of bonds.

SEC. 6. Bonds issued under the provisions of this act shall be payable both as to principal and interest solely from the net revenues derived from the operation of the bridge. It shall be plainly stated on the face of each bond that said bond is a special obligation of the county payable solely from the net revenues from the bridge, that such bond does not constitute a general obligation of the county, and that such bond is not an indebtedness within the meaning of any statutory or constitutional restriction or limitation.

Bonds payable solely from net revenues of bridge.

SEC. 7. The board shall make provision for the payment of the principal of and interest on the bonds issued under the provisions of this act by the fixing, collection, segregation and allocation of the tolls and charges received from the operation of the bridge. Such tolls and charges shall be fixed by the board and shall be revised from time to time so as to produce at all times revenues from the bridge in an amount sufficient at all times to cover the cost of operation and maintenance of the bridge, to pay the principal of and interest on the bonds issued for the purpose of constructing such bridge,

Provision for payment of principal and interest.

to create a fund for the purchase or redemption of bonds, and reserves therefor, to comply with the terms of any contract between the board and the purchaser or the holder of the bonds, and to meet any obligation of the board in connection with the construction of the bridge. No contract entered into by the board shall be construed to permit or require the cost or expense of operation and maintenance of the bridge to be paid out of any funds other than the revenues thereof.

Bondholder
may sue.

SEC. 8. The purchaser or the holder of any of the bonds or any of the coupons for interest may, by suit, action, mandamus or other proceedings, either at law or in equity, enforce and compel performance of all of the duties of the board, including the fixing of sufficient tolls and charges and the collections, segregation and application of the revenues derived from the operation of the bridge.

Default in
payment of
principal or
interest.

SEC. 9. In the event of default in the payment of the principal of or interest on any of the bonds after the same shall become due and such default shall continue for a period of thirty (30) days, or in the event the board shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the purchaser or the holder of the bonds, the holder of fifteen (15) per cent in the aggregate principal amount of the bonds then outstanding, by instrument or instruments, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee may, and upon the written request of the holder of fifteen (15) per cent in the aggregate principal amount of the bonds then outstanding shall, in his or its own name (a) by mandamus or other suit, action or proceeding, at law or in equity, enforce all rights of the bondholders, including the right to require the board to collect tolls and charges adequate to carry out any

Appointment
of trustee.

agreement as to, or pledge of, such tolls and charges, and to require the board to carry out any other agreements with the purchaser or the holder of the bonds and to perform its duties under this act; (b) bring suit upon the bonds; (c) by action or suit in equity, require the board to account as if it were the trustee of an express trust for the bondholders; (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders; (e) declare all bonds due and payable and if any default shall be made good to annul such declaration and its consequences: *Provided however*, That before declaring the principal of all bonds due and payable the trustee shall give thirty (30) days notice in writing to the board. Any such trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the bridge, or any part or parts thereof and operate and maintain the same and collect and receive all tolls and charges thereafter arising from the bridge in the same manner as the board itself might do, and any such receiver shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding brought by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any tolls and charges or other revenues derived from the bridge. The trustee shall in addition to the foregoing have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Appointment
of receiver.

Fees, ex-
penses and
costs first
charge on
tolls.

SEC. 10. From time to time, either before or after the construction of the bridge, the board shall have

Powers and duties of board.

the power to make and enter into with the purchaser or holder of any of the bonds any and all kinds of contracts and to take any and all action of whatsoever nature in connection with the construction and operation of the bridge, the payment of the principal and interest of said bonds, or otherwise.

Sale of bonds.

SEC. 11. The board is hereby authorized to sell the bonds authorized to be issued by this act at a public or private sale to the highest bidder and such sale may be made to the United States, the State of Washington or any other political body, person, firm, corporation or organization of whatsoever nature: *Provided however*, That no such bonds shall be sold at less than their par value and accrued interest. The board is hereby authorized to apply for, accept and use any grant or grants made to the county by the United States or to the State of Washington to finance in whole or in part the construction of the bridge.

Grants in aid.

Authority to acquire property, rights, etc.

SEC. 12. The board is hereby authorized to acquire by gift, purchase or condemnation all property, rights, rights-of-way, and easements necessary or desirable for the construction, improvement, operation and maintenance of the bridge, and may purchase or otherwise acquire any rights, privileges, permits, franchises, property or facilities which the board in its discretion and judgment may deem to be of benefit, advantage, necessary or desirable for the proper maintenance or profitable operation of such bridge.

Approval of plans and specifications.

SEC. 13. The plans and specifications for the construction of the bridge shall be approved by the board and after such approval the board shall advertise for bids for the construction of the bridge by giving not less than thirty (30) days notice, which notice shall be published in a newspaper having general circulation within the State of Washington. The

Advertisement for bids.

notice shall provide that the contract for the construction of the bridge shall be awarded to the lowest responsible bidder but that the board reserves the right to reject any and all bids. The board may in its discretion call for separate bids and make separate contracts for separate units or parts of any bridge. Upon the final acceptance of the bid the board shall enter into a contract for the construction of the bridge and shall require the contractor to furnish a surety bond for the faithful performance of the contract in such form and for such sum as shall be fixed by the board. The construction contract shall contain such terms, conditions and provisions as shall be determined by the board or as required by a contract between the purchaser and the board.

Contractor's
bond.

SEC. 14. Any and all action authorized or required to be taken by the board pursuant to this act shall be valid and sufficient if authorized, ratified or approved by a majority of the members of the board at a regular meeting or a special meeting called for the purpose. All bonds issued pursuant to this act shall be signed by the chairman and clerk of the board.

Ratification.

SEC. 15. The powers conferred by this act shall be cumulative and in addition and supplemental to the powers conferred by any other law. In so far as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling. If any clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repeals con-
flicting acts.

Invalidity of
part shall
not affect
balance.

Effective
immediately.

SEC. 16. It is hereby adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of public peace, health and safety; and an emergency is hereby declared to exist; this act shall take effect and be in full force and effect from and after its passage.

Passed the House December 27, 1933.

Passed the Senate January 5, 1934.

Approved by the Governor January 13, 1934.

CHAPTER 19.

[H. B. 51.]

EXEMPTION OF REAL AND PERSONAL PROPERTY FROM TAXATION.

AN ACT relating to taxation and to the exemption of real and personal property from taxation and amending section 1, chapter 115, Session Laws, 1933, which amended section 1, chapter 126, Session Laws, 1929, which amended section 7, chapter 130, Laws of Extraordinary Session, 1925, and declaring that this act shall take effect immediately.

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

Amends
§ 1, ch. 115,
Laws 1933;
§ 1, ch. 126,
Laws 1929;
§ 7, ch. 130,
Laws 1925
Ex. Sess.

SECTION 1. That section 1, chapter 115, Session Laws, 1933, which amended section 1, chapter 126, Session Laws, 1929, which amended section 7, chapter 130, Laws of Extraordinary Session, 1925, be and the same is amended to read as follows:

Property
subject to
assessment.

Section 7. All real and personal property now existing, or that shall be hereafter created or brought into this state, shall be subject to assessment and taxation for state, county and other taxing district purposes as provided by law, upon equalized valuations thereof, fixed with reference thereto on the first day of March at 12 o'clock meridian, in each and every year in which the same shall be listed, except as hereinafter provided.

When.

The following property, to the extent herein limited, shall be exempt from taxation:

FIRST. All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations whose seats are free to all, and the ground whereon such churches are built, not exceeding five acres in area upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage: *Provided*, That in any case the area exempted shall include all ground covered by such churches and parsonages and the structures and ground necessary for street access, light and ventilation, but the area of unoccupied ground exempted in connection with both church and parsonage under this proviso shall not exceed the equivalent of 120 x 120 feet, except as hereinabove mentioned. The parsonage need not be on land contiguous to the church property if the total area exempted does not exceed the area above designated: *Provided*, That such grounds are used wholly for church purposes and not otherwise; also the property of other non-sectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be wholly used, or to the extent solely used for the religious purposes of such associations, or for the educational, benevolent, protective or social departments growing out of, or related to, the religious work of such associations; also the property of non-profit organizations or associations engaged in character building in boys and girls under twenty-one years of age, to the extent such property is necessarily employed and devoted solely to the said objects: *Provided*, Such purposes are for the general public good and such properties are devoted to the general public benefit; also all art, scientific or historical collections of associations, maintaining and exhibit-

Exemptions.

Public cemeteries.

Churches.

Parsonage.

Grounds not exceeding 120x120.

Non-sectarian organizations.

Art, scientific or historical collections.

Property of
war veterans'
organiza-
tions.

ing such collections for the benefit of the general public and not for profit; also all the property of all organizations and societies of veterans of any war of the United States recognized as such by the United States war department, which shall have national charters, and which shall have for their general purposes and objects, the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation, provided such property shall be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

Public
property.

SECOND. All property, whether real or personal, belonging exclusively to the United States, the state, any county or municipal corporation.

Fire engines,
buildings and
equipment.

THIRD. All fire engines and other implements used for the extinguishment of fires, with the building used exclusively for the safekeeping thereof, and for the meetings of fire companies, providing that such belongs to any town or fire company organized therein.

Public
libraries,
orphanages,
reforma-
tories, homes
for aged and
infirm,
hospitals.

FOURTH. All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, including any portion of the hospital building or other buildings in connection therewith, used as a nurses' home or residence for persons engaged in the operation thereof, or employees, or being operated as a portion of the hospital unit, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits of such institutions are devoted, after paying the expenses thereof, to the purposes of such institutions, and the grounds, together with all real and personal property owned or used as a part of such institu-

tions, whenever such libraries, orphanages, institutions, homes and hospitals are built and when used exclusively and not otherwise, for the purposes in this subdivision enumerated. In order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes within the true intent of this act, the state board of health shall have access to the books of such institutions and the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the state board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the object to which disbursements have been applied, and shall furnish in said report full and complete vital statistics for the use and information of the state board of health, who may publish the same in its annual report.

Investigation by state and local authorities.

Oath of superintendent or manager.

Annual report of receipts and disbursements.

Vital statistics.

FIFTH. All property, real and personal, owned by or used for any school or college in this state, supported in whole or in part by gifts, endowments, or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms: *Provided*, That said property is used solely for educational purposes (or the revenue therefrom be devoted exclusively to the support and maintenance of such institution): *And provided, further*, That the real property so exempt shall not exceed forty acres in extent and shall be used exclusively for college or campus purposes, or for dormitories or as a community residence for teachers or employees: *Ex-*

Property of schools and colleges.

Limitation on real estate exemptions.

cept, however, That any school of collegiate grade and accredited by the state board of education shall be entitled to an exemption of not more than forty acres of real property used exclusively for said purposes, but no corporation shall be entitled to more than one such larger exemption, and where the college is under the direction or control of any religious denomination such larger exemption shall be allowed to one college only directed or controlled by such religious denomination: *And provided, further,* That real property owned or controlled by such institution and/or leased or rented by them for the purpose of deriving revenue therefrom shall not be exempt from taxation under the provision[s] of this section. Before any exemption provided for by this subdivision shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated and subject to taxation, on or before the first day of March in such year, a statement verified by the oath of the president, treasurer, or other proper officer of such institution, containing a list of all property claimed to be exempt, the purpose for which the same is used, the revenue derived from the same for the preceding year, the use to which such revenue was applied, the number of students in attendance at such school or college, and the total revenues of the same with the source from which the same was derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the county wherein such property is subject to taxation and such exemption is claimed, shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this section.

Institution
to file
statement.

County
assessor to
have access
to books.

SIXTH. The personal property of each head of a family or widow liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars: *Provided*, That each person shall list all of his personal property for taxation and the county assessor shall deduct the amount of the exemption authorized by this section from the total amount of the assessment and assess the remainder.

\$300 exemption personal property.

SEVENTH. The property owned by humane societies in this state in actual use by such societies not exceeding ten thousand dollars in taxable value owned by any society.

Humane societies.

EIGHTH. If any provision or exemption provided for in this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole or of any provision or exemption not adjudged invalid or unconstitutional.

Invalidity of part not to affect balance.

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.

Effective immediately.

Passed the House January 5, 1934.

Passed the Senate January 5, 1934.

Approved by the Governor January 13, 1934.

CHAPTER 20.

[H. B. 29.]

PAYMENT OF WAGES IN LAWFUL MONEY.

AN ACT relating to the payment of wages for labor in lawful money and amending section 7595 of Remington's Compiled Statutes of Washington.

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

Amends § 7595 Rem. Comp. Stat.

SECTION 1. That section 7595 of Remington's Compiled Statutes of Washington be amended to read, as follows:

Payment of wages otherwise than in lawful money.

Section 7595. Any officer or agent of any corporation, or any person, firm, or company engaged in the business of manufacturing of any kind in this state, mining, railroading, constructing railroads, or any other business or enterprise of whatsoever kind in this state, who by themselves or agents shall issue or circulate, in payment for wages of labor, any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, without being payable as required by the last preceding section of this chapter, or who shall fail to redeem the same when presented for payment or demand on said company or its agent, at his or their office or place of business, in lawful money of the United States, where the said order, check, memorandum, token or evidence of indebtedness was issued, or who shall compel or attempt to coerce any employee of any such corporation, person, firm, or company to purchase meals, lodging, goods, wares, merchandise or supplies from any particular person, firm, or corporation, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding three hundred dollars, or upon failure to pay such fine, to be imprisoned in the jail of the county where the misdemeanor is committed, until

Penalty.

the said fine is exhausted by imprisonment, as provided by the laws of this state, for each and every offense.

Passed the House December 15, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 21.

[H. B. 47.]

EXPENSES OF SUPERIOR COURT JUDGES.

AN ACT making an appropriation to cover expenses of superior judges in districts comprising more than one county while traveling on judicial business and holding court in county seats outside the counties of their residence, but within their districts, during the biennium beginning April 1, 1933.

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

SECTION 1. That there be and is hereby appropriated from the general fund the sum of seven thousand dollars (\$7000.00) or so much thereof as may be necessary for the purpose of defraying the expenses of superior judges in districts comprising more than one county for actual traveling expenses while traveling from county seats of their residence to other county seats in their districts and return therefrom on necessary judicial business, including actual expenses of their sojourn at county seats in their districts, outside the counties of their residence, while holding court in such county seats.

Appropriation \$7,000.

Judges' traveling expenses.

SEC. 2. This appropriation shall cover such expenses heretofore or hereafter incurred during the biennium beginning April first, 1933, and shall be paid upon vouchers to be approved by the state auditor.

Period covered.

Passed the House December 30, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 22.

[H. B. 115.]

RELIEF OF C. A. THOMPSON ET AL.

AN ACT for the relief of C. A. Thompson and Helen Thompson and their minor child Fern Louise Thompson.

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

Appropriation \$1,500.

SECTION 1. There is hereby appropriated from the highway fund of the State of Washington the sum of fifteen hundred dollars (\$1500), for the relief of C. A. Thompson and Helen M. Thompson and their minor child, Fern Louise Thompson; for personal injuries by them sustained in an accident resulting from a collision of an automobile in which they were riding, with a state highway truck, on the "Sunnyslope" road otherwise known and being State Highway No. Two (2), in Chelan County, Washington, on or about the first day of November, 1932.

Passed the House January 10, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 23.

[H. B. 192.]

ACQUISITION OF DORMITORIES BY INSTITUTIONS
OF HIGHER EDUCATION.

AN ACT relating to institutions of higher education, authorizing such institutions to construct dormitories, hospitals, and infirmaries, and to borrow money therefor by the issuance of bonds to be amortized by income derived from rentals and fees, amending chapter 91, Laws of Extraordinary Session of 1925, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 91 of the Laws of the Extraordinary Session of 1925 (4543-1 Remington's Revised Statutes of Washington) be amended to read as follows:

Amends
§ 1, ch. 91,
Laws 1925
Ex. Sess.

Section 1. The boards of regents of the University of Washington and of the State College of Washington and the boards of trustees of the Washington State Normal Schools at Ellensburg, Cheney, and Bellingham, Washington, are hereby authorized to enter into contracts with persons, firms, or corporations for the erection of buildings for dormitory, hospital, and infirmary, housing and boarding purposes, and for student activities; and said boards are further authorized to purchase or lease lands and other appurtenances necessary for the construction of such buildings and to purchase or lease lands with buildings constructed thereon suitable for the purposes aforesaid; and said boards are also authorized to lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction of buildings for the purposes aforesaid and the reasonable use thereof, and said boards of regents and trustees are hereby authorized to borrow money for the erection of the said buildings and appurtenances

Authority to
contract.

Borrow
money.

Issue bonds.

Liability not incurred by state.

Building uses limited.

Amortization plan.

Amends § 2, ch. 91, Laws 1925 Ex. Sess.

Authority for expenditures.

and to issue revenue bonds therefor and to provide for the amortization of said bonds from the income derived from rentals and/or fees exacted for the use or facilities of said buildings: *Provided*, That the State of Washington shall incur no liability by reason of exercise of the authority hereby granted to the said boards of regents and trustees aforesaid other than as hereinafter specifically set forth: *And provided further*, That such lands, buildings, or appurtenances shall be used solely for such dormitory, hospital, infirmary, housing, boarding, or student activities in such institutions. Said boards of regents and trustees are hereby authorized to contract to pay as rental or otherwise, or to issue bonds, for a sum sufficient to pay, on the amortization plan, the principal and interest thereon, of the purchase price of said lands and buildings, or the erection costs of said buildings or appurtenances, such contract or bonds to run not over twenty years. The rate of interest on the principal on any such purchase or erection cost or on any bond shall not exceed seven per cent per annum, payable semi-annually or annually as determined by said bonds.

SEC. 2. That section 2 of chapter 91 of the Laws of the Extraordinary Session of 1925 (4543-2 Remington's Revised Statutes of Washington) be amended to read as follows:

Section 2. Said boards of regents and trustees are hereby authorized to expend on the amortization plan any part of the fees, charges, or rentals on any or all rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, lands or the appurtenances thereon, and to pledge on behalf of said institutions aforesaid, the net income from said fees, charges, or rentals for the payment of all rental or erection or other contract charges or bonds agreed to be paid on account of such dormitory or dormitories, hospital, infirmary,

dining room, housing, and student activity buildings, lands, or appurtenances.

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

Passed the House January 10, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 24.

[H. B. 203.]

UNIVERSITY OF WASHINGTON STUDENT FEES.

AN ACT relating to the University of Washington, providing for the disposition of certain student fees, amending section 3, chapter 139, Laws of 1921, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 3, chapter 139 of the Laws of 1921 (section 4548 of Remington's Revised Statutes of Washington) shall be amended to read as follows: Amends § 3, ch. 139, Laws 1921.

Section 3. Said fees mentioned in subdivisions (b), (c) and (d) of section 4546 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, however,* That the said boards of regents shall have authority to place in a separate fund or funds any or all fees or rentals exacted for the use or facilities of any dormitory, hospital, or infirmary building, and said 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 Fees credited to revolving fund.

Rental fees in separate fund.

building as provided for in sections 4543-1-2 of Remington's Revised Statutes of Washington.

Effective
immediately.

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

Passed the House January 10, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 25.

[H. B. 210.]

GRAIN AND HAY INSPECTION.

AN ACT providing for the inspection, grading and weighing of commodities, and creating a grain and hay inspection fund, amending section 13, chapter 189, of the Laws of 1919, as amended by section 1, chapter 74, Laws of 1921, as amended by section 2, chapter 46, Laws of 1931, (being section 6991 Remington's Compiled Statutes) and making an appropriation.

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

Amends
§ 13, ch. 189,
Laws 1919;
§ 1, ch. 74,
Laws 1921;
§ 2, ch. 46,
Laws 1931.

SECTION 1. That section 13 of chapter 189, of the Laws of 1919, as amended by section 1 of chapter 74 of the Laws of 1921, as amended by section 2, chapter 46, Laws of 1931, (being section 6991, Remington's Compiled Statutes) be amended to read as follows:

Inspection
fees.

Section 13. The director of agriculture shall fix the fees for inspection, grading and weighing of the commodities included in the provisions of this act, which fees shall not exceed eight cents a ton for sack grain and six cents a ton for bulk grain. The fees for inspection, grading and weighing of such commodities shall be a lien upon such commodity so weighed, graded and/or inspected to be paid by the carrier transporting the same and treated by it as an advanced charge, except when the bill of lading

Lien.

contains the notation "Not for terminal weight and grade" and the commodity is not unloaded at a terminal warehouse. The director of agriculture shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The director of agriculture may also prescribe a reasonable charge for service performed at places [places] other than public terminal warehouses in addition to the regular fees when necessary to avoid rendering the service at a loss to the state. All moneys collected under the provisions of this act and all fines and penalties for violation thereof, shall be paid into a special fund which is hereby established in the state treasury, to be known as the grain and hay inspection fund, and which shall be used exclusively for administrative expenses under this act: The state auditor may anticipate the receipts and issue warrants to cover the same to any amount not exceeding fifteen thousand dollars (\$15,000.00).

Director to
adjust fees.

Additional
charge.

Collections
paid into
special fund.

Fund
created.

Warrants.

SEC. 2. There is hereby appropriated, out of any money in the state treasury to the credit of hay and grain inspection, and out of any money in the grain and hay inspection fund, the sum of two hundred thousand dollars (\$200,000.00) to be available to the director of agriculture for administrative expenses under this act, but in no case to exceed receipts from collections under this act, all fees so collected to remain in said fund until expended.

Appropriation
\$200,000.

Passed the House January 9, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 26.

[H. B. 212.]

COMMISSION MERCHANTS.

AN ACT appropriating \$20,000, or so much thereof as may be necessary, not exceeding collections, out of the commission merchants' fund, for the purpose of enforcing chapter 194 of the laws of 1925 and amendments thereto for the fiscal period beginning April 1st, 1933, and ending March 31st, 1935.

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

Appropriation \$20,000.

SECTION 1. That there is hereby appropriated out of the commission merchants' fund created by chapter 67 of the Laws of 1933 for the fiscal period beginning April 1st, 1933, and ending March 31st, 1935, the sum of \$20,000, or so much thereof as may be necessary, but in no event exceeding collections for such fund, said money to be expended under the direction of the director of agriculture solely for the purpose of enforcing chapter 194 of the Laws of the Extraordinary Session of 1925, and amendments thereto.

To enforce ch. 194, Laws Ex. Sess. 1925.

Passed the House January 9, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 27.

[H. B. 214.]

SENATE AND HOUSE JOURNALS AND SESSION LAWS.

AN ACT relating to the printing and binding of the House and Senate journals, the session laws of the regular and extraordinary session of the legislature, making an appropriation, and declaring an emergency.

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

SECTION 1. It shall be the duty of the Chief Clerk of the House, and the Secretary of the Senate of the extraordinary session of the Twenty-third Legislature, to prepare the House and Senate journals for printing.

SEC. 2. There is hereby appropriated from the general fund of the State of Washington the sum of \$15,000.00 or so much thereof as may be necessary for printing, indexing, binding and editing session laws, Senate and House journals, and other legislative printing, and binding public documents of the regular and extraordinary session of the Twenty-third Legislature, and there is further appropriated from the general fund of the State of Washington the sum of \$700.00 for indexing Senate and House journals.

Appropriation \$15,000.

Appropriation \$700.

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

Effective immediately.

Passed the House January 9, 1934.

Passed the Senate January 8, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 28.

[S. B. 78]

HIGHWAYS.

AN ACT relating to highways and ordering and directing the construction of certain highways and providing for the maintenance thereof and the regulation and control of traffic thereon by the director of highways, making an appropriation therefor and declaring that this act shall take effect immediately.

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

Grand Coulee.

SECTION 1. The United States government is constructing the Grand Coulee Dam project at the Grand Coulee in the State of Washington, which project will require the expenditure of sixty-three million dollars (\$63,000,000.00) and in the building of such project enormous quantities of material will be required and there is [are] no adequate connecting highways between the site of said Grand Coulee project and the state highway system and the purpose and intent of this act is to bring about, as soon as may be, the building of an adequate highway system so as to connect said project with existing improved state highways.

Intent of act.

Director of highways given authority to construct connecting highways.

SEC. 2. The director of highways is hereby authorized to construct any or all of the following highway connections between the site of the Grand Coulee project and present improved state highways as follows:

a. Beginning at the Grand Coulee dam thence in an easterly direction by the most feasible route to a connection with State Road No. 2;

b. Beginning at the Grand Coulee dam thence in a southerly direction by the most feasible route to a connection with State Road No. 2;

c. Beginning at the Grand Coulee dam, thence in a westerly direction by the most feasible route to a connection with State Road No. 10.

SEC. 3. The director of highways shall maintain such connecting highways as a part of the state highway system of the State of Washington, until January 1, 1937, unless otherwise provided hereafter by the legislature: *Provided*, That during the period such connecting highways are being maintained as provided herein the director of highways is authorized to control the types and weight of vehicles using the same in accordance with existing law relative to weights and types of vehicles permitted to operate over primary state highways: *And further provided*, That pending the construction of connecting highways as herein provided the director of highways is authorized to maintain existing roads, on locations as defined in section 2.

Maintained until Jan. 1, 1937, as part of state highway system.

Regulating vehicles.

Existing roads.

SEC. 4. For the purpose of carrying out the provisions of this act and for the purposes of securing right of way, constructing and maintaining the said highways and doing all acts necessary and proper therefor, the director of highways is authorized to expend such portion of the funds from the motor vehicle fund appropriated by chapter 157 of the Laws of 1933 to the department of highways, as may be necessary, said funds to be used entirely for such purpose or in connection with any other funds which may be available from any other source or which shall hereafter be made available from any other source for any or all said purposes, or for partial use for any or all of said purposes.

Expenditure of funds.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government and its

Effective immediately.

existing public institutions and shall take effect immediately.

Passed the Senate December 27, 1933.

Passed the House January 9, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 29.

[S. S. B. 81.]

PRECINCT ELECTION BOARDS.

AN ACT relating to elections and to precinct election boards and the appointment thereof and repealing section 5 of chapter 61 of the Laws of 1921 as amended by section 1 of chapter 79 of the Laws of 1933 and repealing section 3 of chapter 170 of the Laws of 1921 as amended by section 3 of chapter 279 of the Laws of 1927.

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

Election board.

Duties.

Precinct election officers.

SECTION 1. The chairman of the board of county commissioners, the county auditor, and the prosecuting attorney in each county, shall constitute the election board for all elections and it shall be the duty of such board to provide places for holding elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such elections in the manner provided by this act, and to apportion to each city, town or district, its share of the expense of such election: *Provided*, That in the appointment of the precinct election officers by the county election board, said board shall designate the inspector and one judge in each precinct from that political party polling the highest number of votes for its first presidential elector in such county in the last preceding general election at which presidential electors were voted

for, and one judge from that political party polling the next highest number of votes for its first presidential elector in such county at said election.

SEC. 2. That section 5 of chapter 61 of the Laws of 1921 as amended by section 1 of chapter 79 of the Laws of 1933 (section 5147 Remington's Compiled Statutes) and section 3 of chapter 170 of the Laws of 1921 as amended by section 3 of chapter 279 of the Laws of 1927 (section 5152 Remington's Compiled Statutes) and all other acts or parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Passed the Senate January 8, 1934.

Passed the House January 9, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 30.

[S. B. 89.]

MUNICIPAL BONDS AND SECURITIES.

AN ACT relating to the issuing, sale and redemption of bonds and other securities issued by municipal and public corporations and providing a maximum rate of interest thereon, and declaring that this act shall take effect immediately.

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

SECTION 1. Bonds and securities of all kinds heretofore or hereafter authorized, issued by any issuing corporation or district (hereinafter called the "issuer" and as hereinafter specified), whether such bonds and securities be issued for such issuer itself or for any other taxing or assessment district within its limits, and whether payable in whole or in part out of and from general taxes or payable in whole or in part out of and from the earnings to be derived from any utility, system, construction, work, or works, belonging to or operated by any such issuer, or payable in whole or in part out of and from

Issuance of
bonds and
securities.

“local” or “benefit” assessments upon lands within any assessment district or assessment subdivision within any such issuer, may be sold to the United States government or to any department, corporation or agency thereof by private sale without giving any prior notice thereof by publication or otherwise and in such manner as the governing authority of such issuer may provide: *Provided*, Only that no bonds or other securities sold at private sale under the authority of this act shall bear interest at a rate in excess of six per cent (6%) per annum and that all bonds and securities sold and issued under the authority of this act shall be sold, if now required by existing law, at not less than par and accrued interest.

Sale without notice.

Maximum interest rate.

Bonds required to be amortized.

Maturities.

SEC. 2. It shall be proper to provide with respect to any bonds now required to be amortized as provided by chapter 151 of the Session Laws of 1923, that such amortized annual maturities shall commence to be payable at any time on or before five years from the date of said bonds, and that any bonds, or any part thereof, issued under the authority of this act, shall be redeemable prior to their fixed maturities, as provided by the governing board or authority of any such issuer.

“Issuer” defined.

SEC. 3. The issuing corporations, districts, and subdivisions hereinbefore referred to and described as “issuer,” shall include any county, city, town, school district, port district, metropolitan park district, taxing district, assessment district or any public corporation or municipal corporation authorized by existing law to issue bonds, securities or other evidences of indebtedness for itself or for any other taxing or assessment district therein or department thereof.

Exercise of powers optional.

SEC. 4. It shall be optional with any such issuer, at its discretion, to exercise all or any of the powers

conferred by this act in connection with the adoption and exercise by any such issuer of the provisions and powers granted by existing law.

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

Passed the Senate January 5, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 31.

[S. B. 100.]

TEMPORARY PUBLICATION AND DISTRIBUTION OF SESSION LAWS.

AN ACT relating to temporary publication and distribution of Session Laws and amending sections 3, 4 and 7 of chapter 136 of the Laws of 1907, as amended by sections 1, 2, 3 and 4 of chapter 27 of the Laws of 1933, making an appropriation and declaring that this act shall take effect immediately.

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

SECTION 1. That section 3 of chapter 136 of the Laws of 1907, as amended by section 1 of chapter 27 of the Laws of 1933 (section 8198, Remington's Revised Statutes) be amended to read as follows: Amends
§ 3, ch. 136,
Laws 1907;
§ 1, ch. 27,
Laws 1933.

Section 3. The secretary of state, after each and every legislative session, whether regular or extraordinary, shall cause to be printed for temporary use twenty-five hundred copies of each act filed in his office within ten days after the filing thereof, and in the order of its chapter number. The style and size of type, line and number of lines to the page shall be the same as shall be used in the permanent volume of the session laws of such session. Temporary
publication
of Session
Laws.

Amends
§ 4, ch. 136,
Laws 1907;
§ 2, ch. 27,
Laws 1933.

SEC. 2. That section 4 of chapter 136 of the Laws of 1907, as amended by section 2 of chapter 27 of the Laws of 1933 (section 8199, Remington's Revised Statutes) be amended to read as follows:

Copies
furnished
state and
county
officers.

Section 4. The secretary of state, after each and every legislative session, whether regular or extraordinary, shall furnish one copy of each act as published to each member of the legislature at which such law was enacted, to each state officer, and to each state institution; five copies to each of the state educational institutions; and to each county auditor for the use of his county; twenty-five copies to the state law library; and such further distribution as may be necessary: *Provided*, That there shall be a charge of one dollar (\$1.00) for each of the complete sets of such temporary publications when delivered to any person, firm, corporation or institution excepting the persons and institutions named in this section, and all moneys received from the sale of such temporary sets shall be transmitted to the state treasurer who shall deposit the same in the state treasury to the credit of the general fund.

Charge of
\$1 per set.

Amends
§ 3, ch. 27,
Laws 1933.

SEC. 3. That section 3, chapter 27, Laws of 1933, amending chapter 136 of the Laws of 1907, be amended to read as follows:

Appropriation
\$2,500.

Section 3. There is hereby appropriated from the general fund the sum of \$2,500.00 or so much thereof as may be necessary, for printing and mailing, for the purpose of carrying out the provisions of this act, there to be paid from such appropriation the mailing expense of copies that must be transmitted by mail.

Amends
§ 7, ch. 136,
Laws 1907;
§ 4, ch. 27,
Laws 1933.

SEC. 4. That section 7, chapter 136, Laws of 1907, as amended by section 4, chapter 27, Laws of 1933, be amended to read as follows:

Effective
immediately.

Section 7. This act is necessary for the support of the state government and its existing public insti-

tutions, and for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate December 29, 1933.

Passed the House January 9, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 32.

[S. S. B. 101.]

HIGHWAYS.

AN ACT relating to and making appropriations for public roads and highways; for the location of and purchase of rights of way, for engineering, construction of, improvement of, betterment of, reconstruction of, and/or maintenance of public roads and highways, for the construction of bridges; for the operating expenses of the department of highways; for emergencies; and for purposes specified in certain acts of Congress; and for miscellaneous purposes thereto.

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

SECTION 1. To carry out the provisions of the Federal Aid Road Act and the state act assenting thereto, (to be expended for that portion of work actually completed and chargeable to the federal contributing fund under specific project agreements now executed or to be executed by state and federal authority; expenditures herefrom to be limited to anticipated reimbursements) there is appropriated from the motor vehicle fund, in addition to sums appropriated for such purposes by section 2, chapter 157 of the Laws of 1933, for the biennium ending March 31, 1935, the sum of eight million dollars (\$8,000,000.00).

Federal
road act.

Appropriation
\$8,000,-
000.

SEC. 2. For the maintenance of primary roads, including road signs, operation of bridges and ferries, and similar purposes on primary roads,

Maintenance
of primary
roads.

there is hereby appropriated, from the motor vehicle fund, in addition to sums appropriated for such purposes by section 3, chapter 157 of the Laws of 1933, for the biennium ending March 31, 1935, to be expended by the director of highways, the sum of three hundred and fifty thousand dollars (\$350,000.00).

Appropriation
\$350,000.

Salaries,
wages and
maintenance.

SEC. 3. For salaries, wages and operations of the highway department there is appropriated in addition to appropriations made for such purposes by section 2 chapter 192 of the Laws of 1933, from the motor vehicle fund, the sum of forty-five thousand dollars (\$45,000.00).

Appropriation
\$45,000.

Construction
of building.

SEC. 4. For the construction of a highway office building on "Capitol Place" or "Sylvester Plot" in Olympia, Washington, in conjunction with funds of the civil works administration board, there is appropriated from the motor vehicle fund the sum of \$40,000.00: *Provided*, That this appropriation shall be used for said purpose only if there be made available by the civil works administration board, or other federal agencies, the additional sum of at least \$118,000.00 for use in conjunction with this appropriation for the building of said structure.

Appropriation
\$40,000.

Limitations.

Passed the Senate January 5, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 33.

[S. S. B. 106.]

REMOVAL OF CEMETERY.

AN ACT relating to cemeteries and authorizing the removal by the department of business control of a cemetery and the graves therein and the contents thereof, and declaring that this act shall take effect immediately.

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

SECTION 1. That the department of business control be and it is hereby authorized and empowered to enter and open the graves and remove the contents thereof and stones and other markers thereon in and upon the old cemetery tract at the Fort Steilacom [Steilacoom] grounds in Pierce county, Washington, which said tract is described as follows: Beginning at a point nine hundred feet (900') south of the intersection of the John Buskirk's donation land claims north line with the west line of section thirty-three (33), township twenty (20) north, range three (3), E. W. M., thence east three hundred feet (300'), thence south two hundred feet (200'), thence west three hundred feet (300'), thence north two hundred feet (200') to the place of beginning, containing about one and one-half acres; and authorizing and directing the department of business control to reinter the contents of the graves thereon in that certain cemetery tract known as the Steilacom [Steilacoom] cemetery owned by Pierce county, also known as the Pioneer cemetery of Pierce county, which is situated in the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section ten (10), township nineteen (19), north range two (2), E. W. M. in said Pierce county.

Dept. of
business
control
authorized
to remove
cemetery.

SEC. 2. That in removing and reintering the contents of said graves the department of business control shall exercise due and proper caution to keep

Record of
identity.

a full and true record of the identity of the graves opened, if known, and of the place to which the contents thereof are reinterred, and, if said graves be marked, shall carefully remove the headstones or other markings thereon and replace the same over the proper new graves.

Effective
immediately.

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

Passed the Senate January 9, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 34.

[S. S. B. 110.]

STATE CAPITOL COMMITTEE.

AN ACT authorizing and empowering the capitol committee to construct buildings and make other improvements upon certain lands of the state and providing that this act shall take effect immediately.

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

Construction
of buildings.

SECTION 1. The capitol committee is authorized and empowered to erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester Site" or "Capitol Place" in Olympia, Washington.

Effective
immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety;

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

Passed the Senate January 3, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 15, 1934.

CHAPTER 35.

[S. B. 53.]

EXCHANGE OF STATE LANDS.

AN ACT authorizing the exchange of certain state lands for other lands of equal value.

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

SECTION 1. For the purpose of enabling the city of Montesano, in Grays Harbor county, Washington, to more adequately protect and conserve for said city a water supply of fresh and pure water, the commissioner of public lands, with the advice and approval of the board of state land commissioners, is hereby authorized, directed and empowered to convey to the said city of Montesano, those certain public lands described as section sixteen (16), township eighteen (18) north, range seven (7) W. W. M., in Grays Harbor county, Washington, according to the government survey thereof; conditional upon receiving in exchange therefor by good and proper conveyance, and upon approval of the title thereto by the attorney general, from the said city of Montesano, such portion of the following described lands and premises as the said state land commissioner, with the advice and approval of the board of state land commissioners, shall deem to be equal in value to the said section conveyed to said city. The said lands from which said selection is to be made, being described as follows: All of section 6; lots 1 and 2

Authority to convey lands.

Conditions.

Description.

and the southeast quarter (SE $\frac{1}{4}$) of northeast quarter (NE $\frac{1}{4}$) and lot 4 of section 4; the west half (W $\frac{1}{2}$) of northwest quarter (NW $\frac{1}{4}$), the north half (N $\frac{1}{2}$) of southwest quarter (SW $\frac{1}{4}$) and the east half (E $\frac{1}{2}$) of east half (E $\frac{1}{2}$) of section 8, all in township 18 north, range 7 west, W. M., and, the west half (W $\frac{1}{2}$) of west half (W $\frac{1}{2}$) of section 32, township 19 north, range 7 west, W. M., all in Grays Harbor county, Washington.

SEC. 2. The lands so obtained in such exchange from the said city of Montesano shall be classified and held by the State of Washington for the same purpose and beneficial use as the said section so to be conveyed by the state, as provided therein, is now held.

Passed the Senate January 2, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 36.

[S. B. 59.]

INSURANCE COMPANIES: HOME OWNERS' LOAN CORPORATION BONDS.

AN ACT relating to the management, investment, control and deposit of capital, funds and properties of insurance companies operating in the State of Washington; and declaring that this act shall take effect immediately.

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

SECTION 1. Whenever by the provisions of any existing statute of the State of Washington any insurance company operating in the State of Washington shall be required to invest its capital and/or funds in certain designated types of securities and/or to have on deposit with the State of Washington, or any political subdivision thereof, or with any officer of the State of Washington or of any of its

political subdivisions, securities of a designated type, it shall be lawful for any such insurance company to invest its said capital and/or funds, in addition to the securities so designated, in the bonds of the Home Owners' Loan Corporation, a corporation organized under and by virtue of the authority granted in H. R. 5240, designated as The Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933, and in the bonds of any other corporation which is or hereafter may be created by the United States as a governmental agency or instrumentality, and the bonds of the Home Owners' Loan Corporation and of any other corporation now or hereafter created by the United States as a governmental agency or instrumentality, in addition to all other securities now designated, shall be eligible for deposit by such companies, under the provisions of any existing statutes.

Investment
of insurance
funds in
bonds of
Home
Owners'
Loan
Corporation.

SEC. 2. If any section, subsection, sentence, clause or phrase of this act for any reason shall be held to be unconstitutional, such holding shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act in each section, subsection, sentence, clause and phrase thereof, separately and irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be unconstitutional.

Invalidity
of part shall
not affect
balance.

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

Effective
immediately.

Passed the Senate December 29, 1933.

Passed the House January 9, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 37.

[S. B. 61.]

INVESTMENT OF TRUST FUNDS IN HOME OWNERS' LOAN CORPORATION BONDS.

AN ACT relating to the investment and management of trust funds; and declaring that this act shall take effect immediately.

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

SECTION 1. Notwithstanding the provisions of any other statute of the State of Washington to the contrary, it shall be lawful for the State of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivisions of the state, or any political or public corporation of the state, or for any insurance company, savings and loan association, building and loan association, or for any bank, trust company or other financial institution, operating under the laws of the State of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary, to invest its funds or the moneys in its custody or possession, eligible for investment, in the bonds of the Home Owners' Loan Corporation, a corporation organized under and by virtue of the authority granted in H. R. 5240, designated as The Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933; and in the bonds of any other corporation which is or hereafter may be created by the United States, as a governmental agency or instrumentality.

Investment
of trust
funds in
Home
Owners'
Loan
Corporation
bonds.

SEC. 2. Notwithstanding the provisions of any other statute of the State of Washington to the contrary, it shall be also lawful for the State of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other

political subdivisions of the state, or any political or public corporation of the state, or for any insurance company, savings and loan association, building and loan association, or for any bank, trust company or other financial institution, operating under the laws of the State of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary, to exchange any mortgages, contracts, judgments or liens owned or held by it, for the bonds of the Home Owners' Loan Corporation, a corporation organized under and by virtue of the authority granted in H. R. 5240, designated as The Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933, or for the bonds of any other corporation which is or hereafter may be created by the United States as a governmental agency or instrumentality; and to accept said bonds at their par value in any such exchange.

Mortgages, etc., exchanged for Home Owners' Loan Corporation bonds.

SEC. 3. The bonds herein made eligible for investment may be used as security for any depositary bond or obligation wherein any kind of bonds or other securities are required or may be by law deposited as security.

Security for depositary bonds.

SEC. 4. If any section, subsection, sentence, clause or phrase of this act for any reason shall be held to be unconstitutional, such holding shall not affect the validity of the remaining portion of this act. The Legislature hereby declares that it would have passed this act in each section, subsection, sentence, clause and phrase thereof, separately and irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be unconstitutional.

Invalidity of part shall not affect balance.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety,

Effective immediately.

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

Passed the Senate December 29, 1933.

Passed the House January 9, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 38.

[S. B. 68.]

DRAINAGE AND DIKING DISTRICT BONDS.

AN ACT relating to drainage and/or diking improvement districts and the refunding of the bonds of such districts and the lien of assessments levied upon lands to support such refunding bonds, and the lien of irrigation district assessments against such lands, and the relative priorities thereof permitting separate budgets and assessments for maintenance of dikes and of drains in such districts: and amending section 1 of chapter 211 of the Laws of Washington of 1929 as amended by chapter 22 of the Laws of 1933; and amending section 4440 Remington's Compiled Statutes of the State of Washington and declaring an emergency.

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

SECTION 1. Section 1 of chapter 211 of the Laws of Washington of 1929 as amended by chapter 22 of the Laws of 1933, is hereby amended to read as follows:

Section 1. Whenever any bonds and/or warrants of any diking or drainage improvement district of this state shall become payable or be outstanding and the board or boards of county commissioners of the county or counties wherein such district lies shall determine that it will be for the best interests of the owners of the lands included in such district to issue refunding bonds and to levy an assessment to meet such obligations, they may levy such assessment and fix the time for the payment thereof and fix the installments in which such assessment shall

Amends
§ 1, ch. 211,
Laws 1929;
Ch. 22,
Laws 1933.

County com-
missioners:
Issuance of
refunding
bonds.

be paid; and they may issue refunding bonds of the district in the manner hereinafter provided, to provide funds with which to pay such outstanding bonds and/or warrants.

Such refunding bonds (except in case the refunding loan shall be from the United States) shall be payable in such series and at such time or times over a period not exceeding twenty-five years as the board of county commissioners shall determine; they shall bear interest payable semi-annually on January first and July first of each year at such rate as the said board of county commissioners shall determine; and all bonds shall be payable at any interest paying date on or before the due date thereof.

Payable in series.

Interest.

The assessment to support such refunding bonds shall become due in annual installments over a period not exceeding twenty-five years in amounts and installments adequate to retire the bonds as they fall due, as may be fixed by the board of county commissioners, and shall bear the same rate of interest as the said bonds; and any and all assessments may be paid at any time, with interest to next interest paying date.

Assessment.

If such refunding bonds are to be deposited with, and the refunding loan to be procured from the Reconstruction Finance Corporation or any other loaning agency created by Act of the Congress of the United States, or from the United States, pursuant to any Act of the Congress of the United States, the assessment to support said refunding bonds may be spread over such period of years, and shall become due in such installments, and bear such interest as shall be required by the Reconstruction Finance Corporation or such other loaning agency or by such proper official of the United States or by said Act of Congress; and the bonds shall be payable in such series, and at such times, and shall bear such rate of interest as may be prescribed by the Reconstruc-

Used for refunding loan from United States.

tion Finance Corporation or such other loaning agency or by such official of the United States or by such Act of Congress. The board of county commissioners shall have power to contract for the sale of said bonds to the United States, the Reconstruction Finance Corporation or other loaning agency created by Act of Congress, and to procure a refunding loan from the United States, the Reconstruction Finance Corporation or other loaning agency, on such terms and under such regulations, and to levy an assessment to pay said bonds in such installments or series, and over such period, as the Reconstruction Finance Corporation or such other loaning agency or the proper official of the United States or such Act of Congress may prescribe; and it shall not in such case be necessary to sell such refunding bonds at public sale.

Sale to U. S.

Exchange for outstanding bonds.

In case no sale of such refunding bonds can in the judgment of the board of county commissioners be made on more advantageous terms, the county commissioners may exchange such refunding bonds of the district at not less than par value and at not more than the rate of interest of the old bonds and/or warrants for an equal or greater amount of the outstanding bonds and/or warrants of said district without offering them at public sale.

Certificates of delinquency.

When any assessment or installments of assessments to meet such refunding bonds, shall be delinquent for a period of two years, certificates of delinquency thereon shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided for such foreclosure of assessments in drainage and diking improvement districts.

Irrigation district deed.

When any land subject to an assessment to support refunding bonds issued pursuant to this act shall be conveyed by a county treasurer's deed to satisfy irrigation district assessments, such irriga-

tion district deed shall eliminate all such drainage and/or diking assessments or installments thereof which are delinquent at the date of issuance thereof; but all such drainage and/or diking assessments or installments thereof not yet delinquent at the date of issuance of such deed shall remain a lien against such land and the title conveyed by the irrigation district deed shall be subject thereto.

Except as herein otherwise provided, all the provisions of chapter 176 of the Laws of 1913 and acts amendatory thereof including joint action by the boards of commissioners of both counties in case of a district extending into two counties shall apply to and be the law and shall govern the form and manner of said sale and issuance and payment of the refunding bonds, the rate of interest they shall bear, the levy of the assessment to support the same, appeals to the courts from actions by the county commissioners, the manner of the collection of said assessments, and all other matters pertaining to the said refunding bonds and the assessment to meet the same, and except as herein otherwise provided, refunding bonds authorized, issued and disposed of under the provisions of this act shall entitle the holders and owners thereof to the same rights and privileges, shall constitute a lien on the same property and be paid in the same manner as the original bonds refunded by said bond issue.

District
extending
into two
counties.

SEC. 2. That section 4440 of Remington's Compiled Statutes of the State of Washington be amended to read as follows:

Amends
§ 4440 Rem.
Comp. Stat.

Section 4440. On or before the first Monday in September in each year the board of supervisors of each district organized under the provisions of this act shall make and file with the board of county commissioners of the county containing such district, a statement and estimate in writing of the amount re-

Estimated
maintenance.

Maintenance
assessments.

quired for maintenance of the system of improvement of said district for the ensuing fiscal year, and the board of county commissioners shall, on or before the first Monday in October next ensuing, levy an assessment for the amount of said estimate, or such amount as it shall deem advisable, upon the property within the district and against the county, cities and towns chargeable therewith in the same proportion as the assessment to pay the original cost of construction of said system of improvement was levied. Such levy shall be certified by the county auditor to the county treasurer, who shall extend the same upon the assessment roll. The maintenance assessments on all tracts of land of not more than one-half acre in area shall accumulate from year to year and every fifth year such accumulated levy shall be extended on the rolls and collected.

Petition for
hearing on
reapportion-
ing mainte-
nance
charge.

Upon petition filed by two or more assessed property owners of a district the county commissioners may, in their discretion, hold a hearing at the county seat for the purpose of reapportioning the maintenance charges in such district, to be held at the time of the equalization of the real property assessment. Preliminary to such hearing the county commissioners shall appoint a board of three appraisers, of whom the county engineer shall be one, who shall qualify and proceed as the board of appraisers appointed to apportion the original cost of the system, and shall report to and file with the board of county commissioners their recommendations in such matter not less than twenty days prior to the date of such hearing. Notice of the filing of such report and that such hearing will be held shall be given by publication in the official county newspaper and in such other newspaper published in or near such district as the county commissioners may in their discretion direct in two successive publications, the last of which

Appointment
of ap-
praisers.

Publication
of notice of
hearing and
filing of
appraisers
report.

shall not be less than seven or more than fourteen days prior to the date of said hearing. And at such hearing the commissioners may make such change in the basis of the apportionment of the levies for the maintenance of such system of improvement as may seem just and equitable.

Hearing.

In a district which functions both as a diking and a drainage improvement district two separate schedules of assessment may be made, pursuant to petition and hearing as aforesaid, the one schedule to be for the assessments for the maintenance of the diking system and the other for the maintenance of the drainage system including pumping operations. Each separate schedule to be proportionate to the benefits accruing to the various district lands from said respective operations.

Two separate schedules of assessment.

If separate schedules of assessment be established for maintenance of the diking system and of the drainage system, there shall be established two separate maintenance funds, one for maintenance of the diking system and one for the maintenance of the drainage system.

Two separate maintenance funds.

In maintaining the system of improvement of their district the board of supervisors may, with the approval of the board of county commissioners, make expenditures in excess of the annual maintenance fund herein provided for, which excess amount shall in such event be included in the maintenance levy for the succeeding year: *Provided*, That when, owing to floods or other causes an unusually high maintenance levy or expenditure in excess of the current levy shall be necessary the board of county commissioners may provide that such levy or the levy to meet such excess expenditure be spread over a term of years and warrants or bonds issued to meet the same as herein provided for the original construction cost of a system of improvement.

Emergencies.

Effective
immediately.

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

Passed the Senate January 5, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 39.

[S. B. 90.]

IRRIGATION DISTRICTS.

AN ACT relating to remission of interest on irrigation assessments, amending section 9, chapter 43 of the Laws of 1933 (section 7445-1 Remington's Compiled Statutes) and providing that this Act shall take effect immediately.

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

Amends
§ 9, ch. 43,
Laws 1933.

SECTION 1. That section 9, chapter 43 of the Laws of 1933 (section 7445-1 Remington's Compiled Statutes) be amended to read as follows:

Remission
of interest
and
penalties.

Section 7445-1. During the period ending May 31, 1934, the board of directors of any irrigation district may, in its discretion and without being required so to do, remit the interest, and/or penalties on any unpaid assessments payable and delinquent in the year 1933, or in any year prior thereto, and where a certificate of sale for the non-payment of any assessment has issued to and is owned by the district, may remit such interest and/or penalties or any part thereof as are required to be paid to effect redemption: *Provided*, Such right to permit remitting interest and penalties for said years shall be limited to assessments paid and lands redeemed during the period ending May 31, 1934: *And provided*, Such payments and/or redemptions have been authorized by resolution or resolutions of the

Limitations.

board of directors entered upon its minutes from time to time.

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

Passed the Senate January 2, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 40.

[S. H. B. 24.]

COUNTY CLERK'S TRUST FUND.

AN ACT relating to the deposit of public and trust funds by county clerks providing for bond or security and the conditions thereof.

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

SECTION 1. The county clerks of all the counties of the State of Washington shall deposit all funds in their custody, as clerk of the superior court of their respective counties, in one or more banks as such clerk may elect. Deposit of funds.

SEC. 2. Whenever any such clerk shall have in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerks trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon such fund deposited, the same shall be paid to the beneficiary of such trust upon the termination thereof. Clerks' trust fund.

SEC. 3. Upon depositing any public or trust funds the clerk shall demand and the depository bank shall furnish to the clerk, a surety bond, to be Depository bank to furnish surety bond.

Securities
in lieu of
bond.

Insured
deposits.

approved by the clerk and the prosecuting attorney of said county, in a sufficient amount to equal the maximum deposit of the clerk with such depositary, conditioned for the prompt and faithful payment of said deposits upon demand, said surety bond shall not be cancelled during the time for which it has been written by the surety company: *Provided*, That the depositary may deposit with the county clerk in lieu of the surety bond herein provided for, securities to be approved by said county clerk and the prosecuting attorney of said county, of a market value in an amount not less than the amount of the maximum funds deposited: *Provided further*, That all depositaries which have qualified for insured deposits under the Federal Deposit Insurance Act (12 United States Code Annotated, page 264) or any acts amendatory, supplemental, or substituted therefor, shall not be required to furnish bonds or securities, except for so much of said fund deposited not insured under the Federal Deposit Insurance Act.

Passed the House December 21, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 41.

[S. H. B. 27.]

ABSENT VOTERS' ACT.

AN ACT relating to elections and primary elections and absent and disabled voters, and repealing sections 1, 2 and 3 of chapter 189, Laws of 1915 as amended by sections 1, 2 and 3 of chapter 58 of the Laws of 1923 and repealing section 4 of chapter 143, Laws of 1921 as amended by section 4, chapter 58, Laws of 1923, and repealing section 5, chapter 143 Laws of 1921 and repealing section 4, chapter 189 Laws of 1915 as amended by section 6, chapter 143, Laws of 1921.

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

SECTION 1. Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability on the day on which there is to be held any primary or general election, or any special election conducted throughout the county, by the county election board, or any general municipal election (excluding any district election) conducted throughout the city or town, may vote in the manner provided in this act: *Provided, however,* That in case of physical disability it be such that in the judgment of the registration officer the elector is and will be incapacitated from voting in the usual way. The registration officer shall furnish application of absent voter and all applications shall contain a sworn statement that the applicant will be absent or is so incapacitated (setting forth in what manner) that he or she cannot attend at the polls and vote in the usual way.

Authorizing
absent
voting.

SEC. 2. Any elector desiring to vote at any election under the provisions of this act, shall, not more than forty-five days prior to any such general or primary election, make application for and procure a certificate from the registration officer, certifying that said registration officer can officially identify

Certificate of
registration
officer.

the said elector by signature ; that said elector is duly registered and qualified to vote in his home precinct, stating the place of residence of said elector ; that said elector has in the presence of said registration officer affixed his signature to said certificate on a blank line to be designated "for signature of absent voter," or, if the application is made by mail or messenger, the registration officer shall certify that on comparison of the signature on the application with that on the registration records, he identifies the elector. All certificates shall be executed and signed in duplicate, the registration officer retaining one in his permanent files, which duplicate copy of said certificate upon the issuance thereof shall be securely attached to the permanent registration card of said elector until after such election when the same shall be returned to the files of the registration officer. The elector shall at any time prior to the day of such election, present, in person or through the United States mails said certificate to the county auditor of the county of his residence, or the city or town clerk, depending upon the scope of said election and the election officer issuing the ballots therefor.

Method of
voting.

SEC. 3. The county auditor or city or town clerk, as the case may be, upon the receiving and filing of the elector's certificate of registration and request for absentee ballot, shall compare the same with the duplicate copy of such certificate retained and, upon satisfactory comparison, shall deliver to the elector, or mail to the elector at the post office address to be designated by such elector, the proper blank ballot of such election, or in case of a primary election a blank ballot of the party for the candidate for which the elector desires to vote. Such ballot must be marked in the presence of an officer authorized to administer oaths and no absentee vote shall be valid unless the same is posted or, if delivered by other means, delivered to the election officer designated,

not later than the day of such election. There shall be sent also a small envelope that shall have no mark upon it which may serve to identify it or the ballot within it with the voter; also a larger envelope upon which there shall be printed the name and post office address of the auditor issuing the same, and a blank affidavit in the following form:

Form of application.

STATE OF..... }
COUNTY OF..... } ss.

Affidavit.

I,....., do solemnly swear that I am a resident of and qualified voter in.....precinct of.....city in.....county, Washington; that I have the legal right to vote at the election to be held in said precinct on the.....day of....., 19....., and that I have herein enclosed my ballot for such election, duly marked as required by law in the presence of....., a.....in and for.....county, state of.....

(Signed).....,

Voter.

Subscribed and sworn to before me this.....day of....., 19.....

.....
(Signature of official)
(Official title)

There shall be included with each ballot sent to an absent voter separate printed instructions as follows:

“Upon receipt of this ballot you will, in the presence of an officer authorized to administer oaths, in such location that no other person can see how you vote, proceed to mark the same in accordance with instructions enclosed. Fold, enclose and seal the ballot in the smaller envelope and then enclose the smaller envelope containing the ballot in the larger envelope. Make out the affidavit printed upon the larger envelope and swear to the same before

Instructions.

such notary public or other officer authorized to administer oaths, place the necessary postage upon the envelope, address the same to the county auditor of the county in which you are registered, at the proper address, if same is not already addressed, and deposit the same in the post office or in some government receptacle provided for the deposit of mail matter. The ballot to be valid must be mailed, or if sent by any other means, delivered to the county auditor aforesaid, not later than the day of election.”

May not
vote in home
precinct.

SEC. 4. No elector to whose permanent registration card there shall be attached a duplicate [duplicate] certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

Procedure
in counting
ballots of
absent
voters.

SEC. 5. On the sixth day after any general or primary election it shall be the duty of the county auditor in the presence of the chairman of the board of county commissioners and the prosecuting attorney to open each larger outside envelope in such a way as not to injure the seal or in any way open the smaller inside envelope containin[g] the ballot, or deface the affidavit of the larger outside envelope, and to remove said smaller envelope containing the ballot and mark upon the outside of said inside envelope the name or number of the precinct, city and county in which the ballot is to be counted and nothing whereby the identity of the voter can be known. If the voter's affidavit on the larger envelope is in due and regular form the envelope containing the ballot shall be signed by the opening officers above named and approved as a valid vote. The opening officers shall then seal securely in one package the larger outside envelopes, certificates and affidavits of voters filed as herein provided, attached securely together and the same shall be kept

by said auditor for future use in case any question shall arise as to the validity of the vote. The smaller inside envelopes containing the ballots shall be filed by the auditor and kept securely locked until the time for canvassing the votes of such county. Upon the canvassing of the votes by the canvassing board of such county, whenever any precinct is called in which there shall be on file one or more such envelopes, the board shall cause such envelopes to be opened, and shall canvass and count the same for such precinct as nearly as possible in the same manner as such votes would have been counted had they been cast in such precinct, entering the same in the same in the poll-book as absent votes, and shall modify the election returns of such precinct accordingly. Such ballots shall become a part of the returns of such precinct and shall be kept or destroyed accordingly: *Provided, however,* No such absentee ballot shall be canvassed or counted unless the same shall have been directed to and posted, or if delivered by any other means than mail, received by the auditor not later than the day of such election.

SEC. 6. That sections 1, 2 and 3 of chapter 189, Laws of 1915, as amended by sections 1, 2 and 3 of chapter 58, Laws of 1923; and section 4, chapter 143, Laws of 1921, as amended by section 4, chapter 58, Laws of 1923, and section 5, chapter 143, Laws of 1921; and section 4, chapter 189, Laws of 1915, as amended by section 6, chapter 143, Laws of 1921, be and the same are hereby repealed. Repealing
clause.

Passed the House January 10, 1934.

Passed the Senate January 9, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 42.

[H. B. 66.]

CONVEYANCE OF STATE LANDS TO CITY OF VANCOUVER.

AN ACT granting to the city of Vancouver, Washington, a tract or strip of land in said city for use as a public street.

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

SECTION 1. All the existing right, title and interest of the State of Washington in and to the following described land in Vancouver, Clark county, Washington, described as follows:

Description.

Beginning at a point 8.99 chains west and 15.10 chains south of the quarter ($\frac{1}{4}$) section corner between sections 25 and 26, township 2 north, range 1 east of the Willamette Meridian and running thence south eighty degrees (80) fifteen minutes (15') east 11.40 chains to the west line of that certain tract of land deeded to the State of Washington by deed recorded in Book "Z" at page 617, Clark county deed records, thence south .92 chains, thence north eighty degrees (80) fifteen minutes (15') west 11.40 chains and thence north .92 chains to the place of beginning, is hereby granted to the city of Vancouver, Washington, for use as a public street as an extension to Sixth street in said city, and in case the said city should abandon the same for street purposes, the same shall revert to the State of Washington without suit, action or other proceedings and without the judgment of any court.

Authoriza-
tion to
convey.

SEC. 2. The commissioner of public lands is hereby authorized and directed to certify to the Governor in the manner in such cases provided by law, the above described land for deed, and the Governor is authorized to execute, and the secretary of

state to attest, a deed conveying the same to the city of Vancouver, Washington.

Passed the House December 27, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 43.

[H. B. 101.]

LIQUIDATION OF INSOLVENT SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to the liquidation of insolvent savings and loan associations and amending section 70 of chapter 183, Laws of 1933 (being section 3717-70 Remington's Revised Statutes of Washington).

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

SECTION 1. That section 70 of chapter 183, Laws of 1933 (being section 3717-70, Remington's Revised Statutes of Washington) be amended to read as follows:

Amends
§ 70, ch. 183,
Laws 1933.

Section 70. Upon the taking over of any association by the supervisor, he shall proceed to liquidate such association unless, in his discretion, he shall determine upon taking different action, as provided for in this act. In the event that he shall determine to liquidate such institution he shall cause the attorney general to present to the superior court of the county in which such association has its principal place of business, a written petition setting forth the date of taking possession, the reasons therefor and other material facts concerning the affairs of such association and, if the court shall determine that said association shall be liquidated, the court shall appoint the said supervisor, and no other person, as the liquidator of such association

Liquidation
of asso-
ciation.

Attorney
general
to present
petition.

Appointment
of supervisor
as liquidator.

Bond.

and shall fix bond to be given by such liquidator both as to form and amount and upon the furnishing of such bond and the taking of an oath to well and faithfully perform his duties as such liquidator, he shall enter in and upon his duties and under the direction of the court, proceed to the liquidation of said association. The court shall appoint as such liquidator no other person than the supervisor. Such liquidator may only be removed for failure to perform his duties as such, and in the event that the liquidator shall be removed from his position as such, his office as supervisor shall become vacant, and his successor as such supervisor shall be appointed as his successor as such liquidator. In the event that the office of the supervisor should be abolished, it shall be the duty of the court to appoint as liquidator such official as may by operation of law succeed to the duties, or a substantial part thereof, of the said supervisor.

Removal
from office.

Such liquidator shall, upon qualifying, take over all of the books, records, papers and assets of every kind and description and shall proceed, under the direction of the court, to preserve, administer, and liquidate the assets of such association, and, as soon as reasonably possible, to convert said assets into cash and to apply the same to the payment of the expenses of liquidation, to the payment of the debts of the association and distribute the remainder of such fund among the shareholders, first, to the juvenile shares and second, to the shareholders pro rata in accordance with the amount of their holdings. The said liquidator, under order of the court, shall have the right to sell or compromise bad or doubtful debts of the association and may settle or compromise claims of the association against third parties; and, in general, the liquidator shall have the right, under order of court, to lease, operate, repair,

Convert
assets into
cash.

Distribution.

exchange and sell, either for cash or upon terms, the real and personal property of the association.

Passed the House December 21, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 44.

[H. B. 113.]

WRIT OF GARNISHMENT.

AN ACT relating to the issuance and service of the writ of garnishment, providing conditions and effect thereof amending section 2, chapter 68, Session Laws, 1903; and section 9, chapter LVI, Session Laws, 1893 (section 687 and 688 respectively, Remington's Revised Statutes of Washington).

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

SECTION 1. That section 2, chapter 68, Session Laws, 1903 (section 687, Remington's Revised Statutes of Washington) be and the same is amended to read as follows:

Amends
§ 2, ch. 68,
Laws 1903.

Section 2. The writ of garnishment may be served by the sheriff or any constable of the county in which the garnishee lives or it may be served by any citizen of the State of Washington over the age of twenty-one years and not a party to the action in which it is issued in the same manner as a summons in an action is served: *Provided, however,* That where the writ is directed to a 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 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. In every

Manner of
serving writ
of garnish-
ment.

Writ
directed to a
banking
association.

Returns.

case where a writ of garnishment 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, but no fee shall be allowed for the service of such writ unless the same is served by an officer.

Amends
§ 9, ch. LVI,
Laws 1893.

SEC. 2. That section 9, chapter LVI, Session Laws, 1893 (section 688, Remington's Revised Statutes of Washington) be and the same is amended to read as follows:

Garnishee
may not pay
defendant
after service
of writ.

Section 9. From and after the service of such writ of garnishment, it shall not be lawful for the garnishee to pay to the defendant any debt or to deliver to him any effects, nor shall the garnishee if an incorporated or joint stock company, in which the defendant is alleged to be the owner of shares or to have an interest, permit or recognize any sale or transfer of such shares or interest; and any such payment, delivery, sale or transfer shall be void and of no effect as to so much of said debt, effects, shares, or interest as may be necessary to satisfy the plaintiff's demand: *Provided, however,* That in case the garnishee is a banking association maintaining branch offices service must be made as provided for in the preceding section, and shall only be effective to attach the accounts, credits, or other personal property of the defendant in that particular branch upon which service is made and to which the writ is directed.

Sale or
transfer of
stock void
after service
of writ.

Writ binding
only on
particular
branch of
bank to
which
directed.

Passed the House December 28, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 45.

[H. B. 163.]

COUNTY DEPOSITARIES—COUNTY FINANCE COMMITTEE.

AN ACT relating to the deposit of public funds in banks by the several county treasurers of this state, and providing for the rate of interest thereon, creating a county finance committee and prescribing the duties thereof and amending section 5563 and 5564 of Remington's Revised Statutes, and amending chapter 51 of the Session Laws of 1907 by adding a new section thereto to be known as section 7, and providing that this act shall not be effective after April 1st, 1935 and declaring an emergency.

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

SECTION 1. That section 5564 of Remington's Revised Statutes be amended to read as follows:

Amends
§ 5564 Rem.
Rev. Stat.

Section 5564. Before any such designation or designations shall become effectual and entitle said treasurer to make deposits as hereinabove provided, the bank or banks so designated shall also enter into a written contract with the county whose treasurer is to make such deposits, to pay to said county, to be credited to the county expense fund thereof, such rate of interest on the average daily balances of all moneys so deposited by such county treasurer in said bank, while acting as such depositary, as shall be fixed from time to time by the county finance committee; such payments to be made monthly to said county while such deposits continue in such depositary; such contract shall be in such form as shall be approved by the county finance committee and the prosecuting attorney of said county.

Contract
between
depository
bank and
county as to
interest rate.

Approval of
contract.

SEC. 2. That chapter 51 of the Session Laws of 1907 be amended by adding a new section to be known as section 7 to read as follows:

Amends
ch. 51,
Laws 1907.

Section 7. The county treasurer, the county auditor and the chairman of the board of county commissioners, ex officio, shall constitute the county

County
finance
committee.

Chairman
and
secretary of
committee.

finance committee. The county treasurer shall act as chairman of the committee and the county auditor as secretary thereof, and the office of the committee shall be in the office of the county auditor. The committee shall keep a full and complete record of all its proceedings in appropriate books of record and all such records and all correspondence relating to the committee shall be kept in the office of the county auditor and shall be open to public inspection. The committee shall make appropriate rules and regulations for the carrying out of the provisions of this act, not inconsistent with law.

Amends
§ 5563.

SEC. 3. That section 5563 of Remington's Compiled Statutes be amended to read as follows:

Depository
bond.

Section 5563. Before any such designation or designations shall become effectual and entitle the said treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after such designation or designations have been filed, file with the county clerk of such county a surety bond to such county treasurer, properly executed by some reliable surety company qualified under the laws of this state to do business therein, except as herein otherwise provided, in the maximum amount of deposits designated by said treasurer to be carried in such bank or banks, conditioned for the prompt and faithful payment thereof on checks drawn by such treasurer, which bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney and the county treasurer, or any two of such officers of said county, before being filed with the county clerk, and unless so approved, the same shall not be received or filed by the county clerk: *Provided*, That said depository or depositaries may deposit with the county treasurer in lieu of the surety bond herein provided for, any of the following enumerated securities if there has been no default in the payment.

Approval of
bond.

Securities in
lieu of bond.

of principal or interest thereon, the aggregate market value of which shall not be less than the amount required in said deposit:

(1) Bonds, notes or other obligations constituting a general obligation of the United States or any state thereof;

(2) Direct and general obligation bonds, notes or warrants issued by any county, city, school district or port district of the State of Washington, or of any other state of the United States having the power to levy taxes for the payment of principal and interest thereof;

(3) Bonds of any municipality of the State of Washington, for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city;

(4) Domestic railway, industrial and public utility bonds; and

(5) Local improvement bonds and warrants issued under chapter 209 of the Session Laws of 1927;

(6) Bonds of the "Home Owners' Loan Corporation," issued pursuant to the Act of Congress approved June 13, 1933, known as the Home Owners' Loan Act of 1933, and any acts amendatory thereof or supplemental thereto: *Provided*, That the amount at any time on deposit with a depository shall not exceed the actual paid up capital and surplus of said depository: *And provided further*, That in counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds this provision with reference to the limit of the amount to be deposited in any one depository may be waived by the county finance committee: *And provided further*, That in the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance

Corporation, or by any other corporation, agency or instrumentality organized under and acting under and pursuant to the laws of the United States of America, the execution and filing of a bond with such treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount exceeds the amount of such insurance, and if such depository elects to deposit securities in lieu of such bond, it shall be required to deposit securities only to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

Expiration
date.

SEC. 4. The provisions of this act shall not be effective after April 1, 1935.

Effective
immediately.

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

Passed the House January 11, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 46.

[H. B. 211.]

AGRICULTURAL AND VEGETABLE SEEDS.

AN ACT relating to insect pests causing damage to agricultural and vegetable seeds and adding a new section to chapter 183 of the Laws of 1919, to be known as section 2½.

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

Amends
ch. 183,
Laws 1919.

SECTION 1. There shall be added to chapter 183, Laws of 1919, after section 2 thereof a new section to be known as section 2½ to read as follows:

Seed infested
with live
insects shall
not be sold.

Section 2½. No person, firm or corporation shall sell, offer or expose for sale, or hold in possession with intent to sell, any agricultural or vegetable

seed which is infested with live insects such as pea weevil, bean weevil, chalcis fly, the common seed moth, or any other insect which causes serious damage to the seed itself or to the growing crop.

Passed the House January 9, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 47.

[H. B. 92.]

RELIEF OF LEE BRADEN.

AN ACT making an appropriation for the relief and benefit of Lee Braden.

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

SECTION 1. WHEREAS, on February 20, 1932, Lee Braden was convicted of a crime in the superior court of the State of Washington in and for Pierce county, and was sentenced by said court to serve a term of not less than seven or more than ten years imprisonment in the state penitentiary at Walla Walla: and

WHEREAS, one Hal Grandon was subsequently captured and made a full and satisfactory confession of the crime for which Lee Braden was sentenced, thereby effecting the complete vindication of said Lee Braden: and

WHEREAS, Lee Braden served eleven months of said sentence in the penitentiary at Walla Walla before his vindication and release: and

WHEREAS, Lee Braden was at the time of his arrest and confinement earning \$120.00 per month which has since that time been lost to him, and by such arrest and confinement it was necessary for him to employ counsel in his defense and by reason

of the trial he has suffered great mental anguish and humiliation with the result that his health has been impaired.

Appropriation \$1,000.

Reparation and restitution.

SEC. 2. There is hereby appropriated from the general fund of the state treasury the sum of one thousand dollars (\$1000.00), for the use and benefit of Lee Braden; said appropriation representing reparation and restitution for eleven months of wrongful and unjust confinement in the penitentiary at Walla Walla, and for damages suffered by reason of expense, worry, humiliation and impairment of general health arising out of his arrest, conviction, sentence, and serving eleven months thereof for a crime committed and confessed by another.

Passed the House January 10, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 16, 1934.

CHAPTER 48.

[S. B. 30.]

DOMESTIC MUTUAL INSURANCE COMPANIES.

AN ACT relating to insurance, to regulate the organization and government of insurance companies, and defining the qualifications of domestic mutual companies.

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

Domestic mutual insurance companies.

Qualifications.

SECTION 1. No domestic mutual insurance company hereafter formed under the laws of this state shall be authorized to transact business as an insurer under classifications 3 and 4 as defined by section 83 of chapter 49, Laws of 1911, as amended by chapter 109, Laws of 1913, until it shall have first qualified as follows:

If it is formed to transact as insurer a general life insurance business, including endowments and

annuities, and including accidental death benefits and benefits such as operate to safeguard such insurance against lapse or to give a special surrender value or an annuity providing for payments during the lifetime of the insured, with or without reduction of the sum insured in the event that the insured shall be totally and permanently disabled from any cause, it must have bona fide written applications severally signed by not less than two hundred applicants who are residents of this state, for not less than one thousand dollars of insurance each. Such initial applicants shall each have shown evidence of insurability and shall have each paid one full annual premium in cash upon the insurance subscribed for. Solicitation of subscriptions for insurance under this section may be made by agents holding a certificate of authority which shall be issued by the insurance commissioner to properly qualified applicants therefor.

Initial applications.

Every application for such insurance shall contain a statement that the issuance of this policy is contingent upon the completion of the organization of the company and that the full prepaid premium will be refunded to the applicant if such organization is not completed within one year from the date of the application, or within such further period not to exceed six months as may be fixed by the insurance commissioner. No agreement of insurance shall be deemed effective until the company is fully organized and the policy issued. No solicitation for insurance under this subdivision shall be made unless the organizers shall have executed and filed with the insurance commissioner a bond in the sum of not less than twenty-five thousand dollars (\$25,000.00), in form satisfactory to and with surety approved by the insurance commissioner, conditioned for the repayment in full of all prepaid premiums in case the organization of the company is not completed

Issuance of policies contingent upon completion of organization.

Organizers' bond.

within the time specified or such further time as may be fixed by the insurance commissioner.

Guaranty fund in lieu of applications for insurance.

Or, in lieu of such subscriptions for insurance, the company shall provide and hold a special guaranty fund of at least twenty-five thousand dollars (\$25,000.00), in cash or invested in securities to be approved by the insurance commissioner, to be used for no purpose other than the payment of losses, until the company has accumulated a surplus fund of twenty-five thousand dollars over and above all liabilities, independent and exclusive of the guaranty fund. No part of such guaranty fund may be repaid or returned to the subscribers when such repayment would reduce the surplus as provided herein to less than twenty-five thousand dollars (\$25,000.00): *Provided*, That interest on such guaranty fund may be paid at a rate not to exceed five per cent per annum.

Insurance classifications.

The company may classify its insurance according to the various hazards covered, and any saving experienced by the company in its loss ratio, expense of management, or any other source may be returned to the policyholders in the various classifications at the end of any policy year for which premiums have been paid, according to the experience of the company in said classes and as determined by its board of directors.

Surplus accumulated.

When the company shall accumulate a surplus at least equal to the minimum capital required of a stock insurance company transacting a similar class of insurance business, which it must maintain in securities, approved by the insurance commissioner, deposited with the state treasurer through the office of the insurance commissioner, and while it maintains such surplus assets on deposit, it may issue policies without assessment liability other than the payment of the premium specified in the policy.

The plan, terms, and conditions prescribed and

adopted by such company must be such as the experience of similar companies has found to be efficient and adequate to promptly and equitably pay and discharge its obligations and successfully conduct its business, of which the commissioner shall be the judge.

SEC. 2. No person shall be a trustee or director of a mutual life insurance company, if he

Trustee ;
Director ;
qualifica-
tions.

a. Is not a resident of this state;

b. Has been adjudicated a bankrupt or has taken the benefit of any insolvency law, or has made a general assignment for the benefit of creditors;

c. Has suffered a judgment recovered against him for a sum of money to remain unsatisfied of record or unsecured on appeal for a period of more than three months;

d. Is a trustee, officer, clerk or other employee of any other life insurance company.

Nor shall a person be a trustee of a mutual life insurance company solely by reason of his holding public office.

Passed the Senate January 9, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 49.

[S. B. 87.]

PROHIBITING SALE OF LIQUOR ON OR NEAR UNIVERSITY
GROUNDS.

AN ACT prohibiting the sale of intoxicating liquors on or near the grounds of the University of Washington and amending section 1 of chapter 75, of the Laws of 1895.

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

Amends
§ 1, ch. 75,
Laws 1895.

SECTION 1. That section 1, chapter 75 of the Laws of 1895 (section 5100 of Remington's Revised Statutes) be and the same is hereby amended to read as follows:

Unlawful
to sell
intoxicating
liquors on
university
grounds.

Section 1. It shall be unlawful to sell any intoxicating liquors, with or without a license, on the grounds of the University of Washington, or within the district bounded by Lake Washington canal on the south, Eighth avenue N. E. on the west, East 52nd street on the north, and Lake Washington on the east thereof, and any license granted for the sale of such intoxicating liquors within said area shall be void. Said grounds of the University of Washington are otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian.

Passed the Senate December 30, 1933.

Passed the House January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 50.

[S. B. 92.]

WASHINGTON STATE INDUSTRIAL RECOVERY ACT.

AN ACT to encourage state and national industrial recovery by cooperating with the national government in fostering fair competition, providing penalties for violation and declaring that this Act shall take effect immediately.

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

SECTION 1. A state-wide emergency productive of widespread unemployment and disorganization of industry, which burdens commerce, affects the public welfare and undermines the standards of living of the people of the State of Washington hereby is declared to exist, and it hereby is recognized that such an emergency exists throughout the nation. It hereby is declared to be the policy of this state to provide for the general welfare by cooperating with and assisting the national government in promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanction and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industry, to avoid undue restriction of production except as may be temporarily required, to increase the consumption of industrial and agricultural products, increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and conserve natural resources, and otherwise as announced in the Act of Congress entitled: "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," approved June 16, 1933,

Industrial emergency.

Cooperation with national government.

and known as the "National Industrial Recovery Act."

President may utilize such state and local officers as the Governor may designate.

SEC. 2. To effectuate the policy of this act, the Governor hereby is authorized to consent that the President of the United States may utilize such state and local officers and employes of the State of Washington and of its subdivisions as the Governor may designate in effectuating the policies of the National Industrial Recovery Act, in accordance with the provisions of section 2 (a) of said act: *Provided, however,* That no department of this state, governing body of any subdivision, municipal corporation or district charged with letting contracts for the purchase of materials or supplies for public use shall be charged with the responsibility of the enforcement hereof or with the responsibility of the enforcement of any code of fair competition except to require persons, natural or artificial, furnishing such materials or supplies to indicate that such materials or supplies have been furnished by a person who is a party to or subject to a code of fair competition, agreement, or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act.

Compliance with code.

SEC. 3. (a) No person, firm, corporation or association, shall refrain from complying with the provisions of any code of fair competition, agreement or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act on the ground that he or it is not engaged in transactions in, or affecting "interstate or foreign commerce" as defined in paragraph (d) of section 7 of title I of the National Industrial Recovery Act.

Standards of code of fair competition.

(b) The terms and conditions of any code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act for any trade or industry

thereof, shall be considered as the standards of fair competition for such trade or industry or subdivision thereof in all of its transactions within the State of Washington. The violation of such standards by any person engaged in such trade or industry or subdivision within the State of Washington shall be deemed the use of unfair methods of competition:

Provided, however, That nothing in this act contained shall be held to affect or supersede any contract or agreement as to any standard or standards of conditions of employment agreed upon or established by means of collective bargaining between employers and employes, or by and between or with organizations of employers or of employes, where any such standard of condition of employment is higher or more advantageous to employes under such collective agreement than the corresponding standard provided under a fair code of competition established under the National Industrial Recovery Act, and where such standard otherwise will promote and effectuate the policy of said act, or to prevent employers and employes from making any such contracts or agreements which do not violate the terms of such code.

Prior contracts more advantageous to employes not affected.

SEC. 4. (a) When a code of fair competition has been approved or prescribed by the President under the National Industrial Recovery Act, any violation of any provision thereof in any transaction within this state not in or affecting "interstate or foreign commerce" within the definition thereof as aforesaid, shall be a misdemeanor and, upon conviction thereof, an offender shall be fined not more than five hundred dollars (\$500) for each offense, and each day such violation continues shall be deemed a separate offense.

Violation of approved code of fair competition.

Penalty.

(b) Any person, firm, co[r]poration or association subject to and complying with the terms and conditions of any code of fair competition, agree-

Action instituted.

ment or licensed [license], approved, prescribed, or issued under the terms of the National Industrial Recovery Act for any trade or industry or subdivision thereof within the State of Washington may institute and prosecute in the supreme court of the State of Washington an action to prevent and restrain any violation of any provision of said code of fair competition, agreement or license in any transaction within the State of Washington not in or affecting "interstate or foreign commerce" as herein defined. Such action may be filed and prosecuted by the attorney general of the State of Washington or by the prosecuting attorney of the county in which such violation may occur, in the name of the people of the State of Washington.

Action may be filed and prosecuted by attorney general or prosecuting attorney.

Act not to be construed as denying rights of workers.

Provided, however, That nothing in this act shall be construed by any public official or court as denying or declaring illegal the right of workers to organize and bargain collectively through representatives of their own choosing without interference, restraint or coercion of employers of labor or their agents, in the designation of such representatives, or in self organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; that no employe and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing or assisting a labor organization of his own choosing; that no provisions of this act shall be construed to repeal or in any way modify the terms of the public works labor provisions now in effect in the State of Washington or heretofore approved or of any other law for the protection of workers in the state. The provisions of this act shall instead be construed to supplement such laws.

SEC. 5. While this act is in effect, or in the case of a license while paragraph (a) of section 4 of title

I of the National Industrial Recovery Act is in effect, and for sixty days thereafter, any code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act, and any action complying with the provisions thereof, including the acts of any person or persons interested in any trade or industry or subdivision thereof in meeting, conferring or agreeing upon any code of fair competition taken during such period, shall be exempt from the provisions of any law of the State of Washington in conflict with this act, or any court order or decree issued thereunder, whether or not such trade or industry or subdivision thereof is engaged in transactions in or affecting "interstate or foreign commerce" as heretofore defined.

Exemption from provisions of conflicting laws.

SEC. 6. In furtherance of the purposes and policies of this act and of the National Industrial Recovery Act, any department of this state and the governing body of any subdivision, municipal corporation or district, and any public officer or person charged with letting contracts for (1) the construction, alteration or repair of public works, or (2) the purchasing of materials or supplies for public use, or (3) the utilization of transportation or services, other than personal services, for public use, shall let such contracts only to those persons, natural or artificial, who agree in and by the terms of such contracts to use or supply only articles, materials and supplies mined, produced, manufactured or supplied, or such services furnished, by a person who is a party to or subject to a code of fair competition, agreement or license, approved, prescribed or issued under the terms of the National Industrial Recovery Act for the trade or industry or subdivision thereof mining, producing, manufacturing or supplying such articles, materials or supplies, or furnishing such services. Any practices in viola-

Restrictions in letting of contracts.

Prior con-
tracts not
affected.

tion of such contracts shall be deemed the use of unfair methods of competition within the meaning of this act: *Provided*, That all contracts entered into previously to the passage of this act and now in force shall not be affected hereby.

Act does
not affect
§§ 7642 to
7657, Rem.
Rev. Stat.

SEC. 7. That nothing herein contained shall be construed to repeal or modify Remington's Revised Statutes sections 7642 to 7657 inclusive or to repeal or modify any other state law now in force fixing hours of employment and/or wages therefor.

Expiration
of act.

SEC. 8. This act shall remain in full force and effect until June 16, 1935, unless terminated sooner, as provided in paragraph (c) of section 2 of title I of the National Industrial Recovery Act, if the President shall by proclamation or Congress shall by joint resolution declare that the national emergency recognized by this act, and the National Industrial Recovery Act has ended.

Invalidity
of part shall
not affect
balance.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of this act, and the application of such provisions to other persons or circumstances, shall remain in full force and effect and shall not be affected thereby.

Title.

SEC. 10. This act may be known and cited as the Washington State Industrial Recovery Act.

Effective
immediately.

SEC. 11. It hereby is adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval by the governor.

Passed the Senate January 2, 1934.

Passed the House January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 51.

[S. H. B. 5.]

DELINQUENT TAXES.

AN ACT relating to the collection of taxes; providing for the remission of interest upon delinquent real and personal property taxes; providing for the payment of delinquent real property taxes in installments; amending section 1 of, and adding new sections to, chapter 53 of the Laws of 1933, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 1 of chapter 53 of the Laws of 1933 be amended to read as follows: Amends
§ 1, ch. 53,
Laws 1933.

Section 1. All accrued interest on delinquent real and personal property taxes for the year 1931 and prior years shall be and the same are hereby remitted on the year or years for which taxes are paid, if the taxes or one-half of the taxes for any of said years are paid in full at any one time on or before the thirty-first day of May, 1934: *Provided*, That the remission of interest herein provided for shall not apply to any tax upon which a judgment has been entered or a certificate of delinquency has been issued to any person other than the county: *Provided further*, No county shall institute or further prosecute any tax foreclosure proceeding until after November 30, 1934. Delinquent
taxes; re-
mission of
interest.

Exception.

Foreclosure
stayed until
Nov. 30,
1934.

SEC. 2. That chapter 53 of the Laws of 1933 be amended by adding, after section 1, a new section to read as follows: Amends
ch. 53,
Laws 1933.

Section 1A. The provisions of this section shall apply to delinquent real and personal property taxes for the year 1931 and prior years, except, however, that the same shall not apply to any tax upon which a judgment has been entered or a certificate of delinquency has been issued to any person other than the county. Years
applicable.

All accrued interest shall be and the same is hereby remitted upon the delinquent tax for any year, or upon an installment of one-half of the delinquent tax for any year, paid in full at any one time after June 1, 1934, and on or before November 30, 1934, upon the condition, however, that interest at the rate of ten per cent per annum is therewith paid upon the principal amount of such delinquent tax from May 31, 1934, until date of payment thereof.

Interest.

Amends
ch. 53,
Laws 1933.

SEC. 3. That chapter 53 of the Laws of 1933 be amended by adding after section 2, a new section to read as follows:

Section 2A. At any time on or before the thirtieth day of November, 1934, the county treasurer of any county in the state is also authorized and directed to accept from any person or corporation owning real property or holding a contract for the purchase thereof in the state, upon which one or more payments or installments of real property taxes are more than six (6) months delinquent, a signed agreement to pay, first, before delinquency, the amount of the current taxes upon such property payable in the year 1934 and each year thereafter, and, secondly, not less than one-twentieth (1/20) of the total taxes upon such property delinquent prior to the 31st day of May, 1934, suspending all penalties and interest upon said taxes to the date of contract, on or before the 31st day of each May and the 30th day of each November thereafter until all such delinquent taxes are paid in full. Such agreement shall provide for the payment of interest at the rate of six per cent (6%) per annum from May 31, 1933, upon the unpaid balance of such delinquent taxes and that such interest shall be paid with each installment under the agreement. Each payment on the principal under such agreement shall be applied to the tax longest delinquent. All interest collected under such agreement shall be paid into the county current ex-

Agreement
to pay real
property
taxes in
installments.

Interest
collected.

pense fund. Such agreement shall provide that any unpaid balance thereunder, at the election of such person or corporation, may be paid in full at any time, with interest thereon up to and including the day of payment. It shall further provide that in the event two successive payments of delinquent taxes are not paid on or before the date when due and/or in the event that any installment of taxes payable in the year 1934, or any year thereafter is not paid within twelve months after the same shall become delinquent the agreement shall become void and of no effect whatsoever. Upon the agreement becoming void the unpaid portion of the original tax and interest thereon shall be restored, the payments upon the principal made under the agreement shall be applied to the tax longest delinquent and the county shall institute tax foreclosure proceedings as provided by law if or when the aggregate unpaid taxes are delinquent for five years: *Provided*, The tax shall remain a first lien on the real estate until the agreement is fully paid and satisfied.

Unpaid balance may be paid in full at any time.

Agreement void if installments are not paid.

Tax first lien.

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

Effective immediately.

Passed the House January 8, 1934.

Passed the Senate January 8, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 52.

[S. H. B. 15.]

CONSOLIDATION OF SCHOOL DISTRICTS.

AN ACT relating to education, providing for the consolidation of school districts and amending sections 4698, 4760 and section 1 of chapter 199 of the Laws of 1927 (section 4734 of Remington's Compiled Statutes, 1927 Supp.) as amended by chapter 75 of the Laws of 1933 and providing that this act shall take effect immediately.

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

Amends
§ 4698, Rem.
Comp. Stat. ;
ch. 75,
Laws 1933.

SECTION 1. That section 4698 of Remington's Compiled Statutes as amended by chapter 75 of the Laws of 1933 be amended to read as follows:

Consolidated
school
districts.

Section 4698. Any school district which has been formed by the consolidation of two or more school districts, or any union high school district which has voted in favor of consolidation at any regular or special election by a majority of all votes cast, and by a majority of all votes cast in each district shall be designated as a consolidated school district.

Amends
§ 1, ch. 199,
Laws 1927 ;
ch. 75,
Laws 1933.

SEC. 2. That section 1 of chapter 199 of the Laws of 1927 (section 4734 of Remington's Compiled Statutes, 1927, Supp.) as amended by chapter 75 of the Laws of 1933 be amended to read as follows:

Petition
for con-
solidation.

Section 1. Upon receipt of a petition signed by five heads of families in each district or a majority of the families residing in said district, requesting the consolidation of two or more adjoining districts in the same county, or the consolidation of such district or districts with a union high school district, the county superintendent shall call a special election of the voters of said school districts at some convenient place or places therein by posting written or printed notices in like manner as is provided for calling annual school district elections, and said

Special
election.

notices shall state the object for which the election is called.

If a majority of all votes cast in each district shall vote to consolidate the clerk of each district, and of the union high school district, so proposing to consolidate, shall within ten days after the election notify the county superintendent of the holding of and the result of the election and the county superintendent shall, immediately after receipt of said notice, organize and establish a consolidated school district and when such consolidated district shall have been established no new district shall be established out of any portion thereof, or any portion thereof changed to another district within five years from such consolidation: *Provided*, That any portion thereof, after five years from the date such portion first became a part of a consolidated district, may be changed to another district of any kind, in the manner provided in sections 4727 and 4728, Remington's Compiled Statutes of Washington, for the transferring of territory from one district to another: *Provided further*, That any portion thereof, after five years from the date such portion first became a part of such consolidated district, may withdraw from such consolidated district, and become organized as a new district in the following manner: Whenever a petition is presented to the directors of such consolidated district, setting forth the desire of such portion to withdraw from such consolidated district, signed by a majority of the heads of families residing in such portion, such directors shall at the next general school election held in such consolidated district, submit to the qualified voters of such district the question of withdrawal of such portion, and if a majority of the qualified voters at such election shall vote in favor of such withdrawal, such portion shall be withdrawn from such consolidated district, and shall be con-

Establishment of consolidated district.

No new district to be established within five years after consolidation.

Withdrawal.

Petition.

Submit question at general elections.

stituted as a new district, and the county superintendent shall apportion the funds and adjust the property rights and debts between the consolidated district and the new district, in the manner provided by law for such matters in cases of new school districts: *Provided further*, That any district which has within one year prior to the passage of this act been legally consolidated with another district, where a majority of the voters in that district at an election called for that purpose voted against said consolidation, may withdraw from such consolidated district. Upon the filing of a petition signed by five heads of families of such district, stating that said district desires to withdraw from such consolidated district, it shall be the duty of the county superintendent of schools to call a special election of the voters of such school district, at some convenient place named therein, by posting written or printed notices, and stating the purpose thereof, and such election shall be held in like manner as is provided for holding annual school district elections. If a majority of the voters at such election shall vote in favor of withdrawing from such consolidated district, the clerk of the election shall forthwith file the returns with, and it shall be the duty of the county superintendent of schools to issue a certificate re-establishing such district as the same theretofore existed: *Provided further*, That upon such withdrawal the officers of said district at the time of consolidation shall continue to serve until their successors are elected and qualified, and all property and assets of such district shall be restored as though no consolidation had taken place.

SEC. 3. That section 4760 of Remington's Compiled Statutes as amended by chapter 75 of the Laws of 1933 be amended to read as follows:

Section 4760. The board of directors and clerk provided for in the preceding section, shall, in all

matters relating to the union high school of such district, possess all the powers herein provided for other school district officers, including the power to recommend special levies of taxes for the purpose of furnishing transportation to and from school and other additional school facilities for the union district, or for the payment of teachers' wages, or for the purchase of fuel, supplies, globes, maps, charts, books of reference or other appliances for teaching, or for any or all of these purposes: *Provided*, That the levy authorized by the directors for any union high school district shall not be in excess of four mills for any one school year, and that the levy authorized by the directors for any component district within a union high school district shall not be in excess of six mills for any one school year. The board of directors of a union high school district shall discharge all the duties and be governed by the laws herein provided for school district officers.

Union high school districts.

Levy limit.

SEC. 4. If any section or provisions of this act 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.

Invalidity of part shall not affect balance.

SEC. 5. This act is necessary for the immediate preservation of the peace, health and safety, and the immediate support of the state government and its existing institutions, and shall take effect immediately.

Effective immediately.

Passed the House December 27, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 53.

[H. B. 170.]

PAYMENT OF DELINQUENT PERSONAL TAXES IN
INSTALLMENTS.

AN ACT relating to the collection of personal property taxes, providing for the remission of interest and principal upon delinquent personal property taxes, providing for payment of delinquent personal property taxes in installments and declaring that this act shall take effect immediately.

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

County treasurer may accept agreements to pay personal taxes in installments.

Suspension of penalties and interest.

Unpaid balance may be paid in full at any time.

SECTION 1. At any time on or before the first day of March, 1934, the county treasurer of any county in the state is authorized and directed to accept from any person or corporation owning personal property in the state, upon which one or more payments or installments of personal property taxes are more than six (6) months delinquent, a signed agreement to apy [pay], first, the amount of the current taxes upon such property payable in the year 1934 and each year thereafter, and, secondly, not less than one-sixth ($\frac{1}{6}$) of the total taxes upon such personal property delinquent prior to the 31st day of May, 1934, suspending all penalties and interest upon said taxes to said date, on or before the 31st day of each May and the 30th day of each November thereafter until all such delinquent taxes are paid in full. Such agreement shall provide for the payment of interest at the rate of six per cent (6%) per annum from May 31st, 1934, upon the unpaid balance of such delinquent taxes and that such interest shall be paid with each installment under the agreement. Such agreement shall provide that any unpaid balance thereunder may at the election of such person or corporation be paid in full at any time, with interest thereon up to and including the day of payment. It shall further pro-

vide that in the event two successive payments of delinquent taxes are not paid on or before the date when due and/or in the event that any installment of taxes payable in the year 1934 or any year thereafter is not paid within twelve (12) months after the same shall become delinquent, the agreement shall become void and of no effect whatsoever. Upon the agreement becoming void the original tax and interest shall be restored, the principal payments made under the agreement shall be applied to the tax longest delinquent, interest paid under the agreement shall be applied to the interest upon such delinquent taxes, and the county shall institute distraint proceedings forthwith as provided by law in the event default shall be made as to the payment of personal property taxes covered by said agreement: *Provided*, The tax shall remain a first lien on the personal property until the agreement is fully paid and satisfied: *Provided, further*, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, or will by reason of depreciation or obsolescence be inadequate to secure the amount of such delinquent taxes at all times during the period covered by such agreement, the county treasurer may refuse to enter into a signed agreement in accordance with terms of this act: *Provided, further*, That if after any such contract shall have been made, the county treasurer has reasonable grounds to believe that any personal property, upon which taxes have been levied and concerning which said contract has been made and taxes on which have not been paid in whole or in part, is about to be removed from the county where the same has been assessed or is about to be destroyed, sold or disposed of, or will by reason of

Agreement shall be void when.

Tax lien.

County treasurer

may refuse to enter into agreement when.

Abrogation
of agree-
ment.

§ 1, ch. 29,
Laws 1907.

Amount of
tax \$50 or
more.

Distrain-
proceedings
withheld.

Agreement
effective
when.

Contested
payments.

Tax com-
mission to
prepare
form of
agreement.

depreciation or obsolescence be inadequate to secure the amount of such delinquent taxes at all times during the period covered by such agreement, the county treasurer may by giving notice thereof in writing to the owner of said property elect to abrogate said agreement and distraint for any taxes remaining unpaid in which event said contract shall become void and inoperative. Nothing herein contained shall abrogate the terms and provisions of section 1, chapter 29, Laws of 1907 (sec. 11250, Rem. Rev. Stat.) and this act is expressly passed subject to the terms thereof: *Provided, further,* That the provisions of this act pertaining to the payment of taxes, pursuant to a signed agreement as hereinabove set forth, shall only be made when the delinquent personal property taxes for the year 1932 or prior years shall amount to fifty dollars (\$50.00) or more.

SEC. 2. The county treasurer shall[1] withhold distraint proceedings except as in this act provided upon the property so long as the signer of the agreement complies with the term[s] thereof.

SEC. 3. The agreement shall become effective upon the signing thereof accompanied by the payment of one (1) installment of delinquent taxes and interest, if any, and the payment of such portion of the current taxes as are then due and payable or delinquent.

SEC. 4. No person shall be entitled to the benefit of this act with respect to tax payments which are being, or which shall hereafter be contested: *Provided, however,* Should any such contest be dismissed during the life of this act and contestant pays all costs incurred such dismissing contestant shall be entitled to the benefits of this act.

SEC. 5. The tax commission of the State of Washington shall prepare a form of agreement which

shall embody the provisions of sections 1 to 5 inclusive of this act and the county treasurer shall use such form in all cases hereunder.

SEC. 6. In case any part or portion of this act shall be held unconstitutional, such holding shall not affect the validity of this act as a whole or any other part or portion of this act not adjudged unconstitutional.

Invalidity of part shall not affect balance.

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

Effective immediately.

Passed the House December 30, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 54.

[S. H. B. 215.]

SURVEY OF NATURAL, AGRICULTURAL AND INDUSTRIAL RESOURCES.

AN ACT relating to the natural, agricultural and industrial resources of the state, providing for surveys thereof and plans for conservation, development and utilization of the same; the planning of public works; creating a state planning council, defining the powers and duties thereof, and declaring an emergency.

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

SECTION 1. There is hereby created an agency to be known as the Washington State Planning Council, consisting of nine (9) members to be appointed by the Governor. The members shall be selected without regard to political affiliation, and they shall serve without compensation but shall be repaid actual and necessary expenses incurred in the performance of their duties. The terms of the members first appointed shall be three (3) for the

Council created.

Non-partisan.

Serve without compensation.

Terms.

term of six (6) years, three for the term of four (4) years, and three (3) for the term of two (2) years; thereafter the term of each member shall be six (6) years from and after the expiration of the term of his predecessor. Members shall be removed only for cause. Vacancies shall be filled by the Governor. The members shall select one of their members as chairman. The council may employ an executive secretary and technical, clerical and other assistance.

Vacancies.

Executive secretary.

Duties of council.

SEC. 2. In order that the people of the State of Washington shall realize the greatest possible benefit from the natural, agricultural, industrial and other resources of the state, including (a) (b) communication and transportation facilities, (c) fisheries, (d) forests, (e) industrial and commercial establishments, (f) lands, (g) mines and minerals, (h) rivers and harbors, (i) wild life and recreational facilities, (j) water sheds furnishing water for irrigation and domestic use, the council shall have power and it shall be its duty:

Inquiries, investigations and surveys.

(1) To make inquiries, investigations and surveys concerning the resources of all sections of the state.

Assemble data.

(2) To assemble and analyze the data thus obtained, and to formulate plans for the conservation of such resources and the planned and systematic utilization and development thereof.

Recommendation.

(3) To make recommendations, from time to time, as to the best methods of such conservation, utilization and development.

Cooperate with United States.

(4) To cooperate with the United States, other states or territories and their agencies, and the departments of the State of Washington and all other public agencies of this state in such planning, conservation, utilization and development of resources: *Provided, however,* That nothing in this act shall be construed to apply to the natural water

power resources of the state or to any publicly owned utility and/or electrical transmission and/or distribution system: *Provided, further,* That nothing in this act shall be construed to apply to state lands.

SEC. 3. The council shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the economical and orderly development of the natural, agricultural and industrial resources of the state. Such master plan shall be adopted and amended only by a majority vote of the council. Such master plan shall be a guide to the council in making recommendations to the officers, boards, commissions and departments of the state. Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the council a report thereon, and such report shall be furnished within a reasonable time after such request. In case such an improvement is not established in conformity with the report so furnished, the state agency having charge of the establishment thereof shall file in its office and with the state planning council a statement setting forth its reasons for rejecting or varying from such report and such statements shall be open to public inspection. The council shall, so far as possible, secure the cooperation of adjacent states and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

Master plan
for flood
control.

Report
requested
from
council.

Filing state-
ment of
reasons for
rejection.

SEC. 4. The council, or any member thereof, when authorized to do so by a majority of the council, may hold public hearings and may compel the attendance of witnesses and the production of evidence.

Public
hearings.

Effective
immediately.

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

Passed the House January 11, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 55.

[S. H. B. 64.]

MOTOR VEHICLES.

AN ACT relating to transportation by motor vehicles over the public highways of the State of Washington; providing for the supervision, regulation and taxation thereof and the payment of fees therefor; amending sections 1, 5, 13, 15, 16, 21, 23, 25, 28, 31, 32, 33 and repealing section 38 of chapter 166 of the Laws of 1933, and adding new sections thereto, and amending section 15, of chapter 96, Laws of 1921, as amended by section 27, chapter 166, Laws of 1933; providing penalties for the violation of this act; repealing provisions of existing laws in conflict herewith; and declaring an emergency.

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

Amends
§ 1, ch. 166,
Laws 1933.

SECTION 1. That section 1, chapter 166 of the Laws of 1933 be amended to read as follows:

Purpose
of act.

Section 1. The business of operating as a motor carrier of property for hire along the highways of this state is declared to be a business affected with the public interest. The rapid increase of motor carrier freight traffic, and the fact that under existing law many motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulations should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways

may be reduced; that congestion of traffic on highways may be minimized; and that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public. Wherefore, the legislature in the interest of the public safety and for the conservation of the highways and the preservation of the use thereof for the public, provides as follows:

(a) The term "person" when used in this act means and includes an individual, firm, co-partnership, corporation, company, association or their lessees, trustees or receivers. "Person."

(b) The term "department" means the department of public works of the State of Washington. "Department."

(c) The term "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 property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers. "Motor vehicle."

(d) The term "public highway" means every street, road or highway in this state. "Public highway."

(e) The term "certified freight carrier" means every person owning, controlling, operating or managing any motor propelled vehicle used in the business of transporting property for compensation as a common carrier between fixed termini or over a regular route over any public highway in the State of Washington, and not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "certified freight carrier" shall include every person engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation by any motor propelled vehicle between fixed termini or over a regular route on any public highway in the State of Washington: *Provided, further*, That the "Certified freight carrier."

term "certified freight carrier" as used in this act shall not include any person owning, controlling, operating or managing any motor vehicle operated exclusively in transporting agricultural, horticultural or dairy or other farm products from the point of production to market.

"Contract hauler."

(f) The term "contract hauler" means every person owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation, other than as a certified freight carrier, over any public highway between fixed termini or over a regular route, not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "contract hauler" shall not include any person owning, controlling, operating, or managing any motor vehicle operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market: *And provided, further*, That the terms "contract hauler" and "for hire carrier" as used in this act shall not include persons owning, controlling, operating or managing motor vehicles used exclusively in the transportation of United States mail, or used exclusively in the distribution of newspapers or periodicals from the publisher to individual subscribers.

"Between fixed termini."

(g) The words "between fixed termini" or "over a regular route" mean the termini or route between or over which any certified freight carrier or contract hauler usually or ordinarily operates any motor vehicle, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any motor vehicle is operated by any certified freight carrier or contract hauler "between fixed termini" or "over a regular route" within the meaning of this act shall be a question of fact.

SEC. 2. That chapter 166 of the Laws of 1933 be amended by adding after section 1 thereof a new section to be known as section 11½, to read as follows:

Amends
ch. 166,
Laws 1933.

Section 11½. (a) No person shall operate as a certified freight carrier on any public highway in this state except in accordance with this act.

Certified
freight
carrier.

(b) The department is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every certified freight carrier in this state as such to fix, alter and amend just, fair, reasonable and sufficient rates, charges, classifications, rules and regulations of each such certified freight carrier; to regulate the accounts, service and safety of operations of each such certified freight carrier; to require the filing of annual and other reports and of other data by such certified freight carriers; and to supervise and regulate the certified freight carriers in all other matters affecting the relationship between such certified freight carriers and the shipping public: *Provided*, That the department when ascertaining the amount of the investment of any certified freight carrier for the purpose of fixing rates thereon shall not include as a part of such investment any sum in excess of the actual cost of said certificate to the original certificate holder. The department shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all such certified freight carriers; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting certified freight carriers.

Regulations.

The department may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or

Department
may
suspend,
revoke, alter
or amend
certificate.

regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the department as is provided for in section 1½, subdivision e, of this act.

Shall not
operate
without
certificate.

(c) No certified freight carrier shall hereafter operate for the transportation of property for compensation between fixed termini or over a regular route in this state without first having obtained from the department under the provisions of this act a certificate declaring that public convenience and necessity require such operation. Any right, privilege, certificate held, owned or obtained by any certified freight carrier may be assigned, sold, leased, transferred or inherited as other property only upon authorization by the department. The department shall have power, after hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder or holders under this act, and in all other cases with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require. Nothing herein contained shall be construed to confer upon any person the exclusive right or privilege of transporting property for compensation over the public highways of the State of Washington.

Liability and
property
damage
insurance.

(d) The department shall in the granting of certificates to certified freight carriers under this act require such certified freight carriers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington, for such limits of liability

and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies, the department shall give due consideration to the character and amount of traffic and the number of persons affected and the degree of danger which the proposed operation involves.

(e) In all respects in which the department has power and authority under this act, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for writs of review, to the superior court filed therewith, appeals or mandate filed with the supreme court of this state, considered and disposed of by said courts in the manner, under the conditions and subject to the limitations and with the effect specified in the public service commission law of this state.

Power and authority of department under act.

(f) Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, is guilty of a gross misdemeanor and punishable as such.

Violation of act.

(g) The department shall prescribe forms of application for certificates of public convenience and necessity for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for certificates of public convenience and necessity, for the transfer or mortgaging of such certificates, and for the issuance of duplicate cer-

Forms of application for certificates.

Application
fees.

tificate of public convenience and necessity, shall be accompanied by the following fees:

Application for certificate of public convenience and necessity \$25.00.

Application for transfer of certificate of public convenience and necessity \$5.00.

Application for mortgaging of certificate of public convenience and necessity \$5.00.

Application for issuance of duplicate certificate of public convenience and necessity \$3.00.

Amends
ch. 166,
Laws 1933.

SEC. 3. That chapter 166 of the Laws of 1933 be amended by adding after section 3 thereof a new section to be known as section 3A to read as follows:

Temporary
permits to
contract
haulers.

Section 3A. The department shall have discretionary power and authority to issue temporary permits to contract haulers covering seasonal operations for a period of not to exceed one hundred twenty (120) days, and may prescribe such special rules and regulations, and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act. The application fee for such temporary contract hauler permit shall be ten dollars (\$10.00).

Fee.

Amends
§ 5, ch. 166,
Laws 1933.

SEC. 4. That section 5 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Liability
and property
damage
insurance.

Section 5. The department shall, in the granting of permits to contract haulers under this act, require such contract haulers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington for such limits of liability and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for

which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies, the department shall give due consideration to the character and amount of traffic and the number of persons affected, and the degree of danger which the proposed operation involves.

SEC. 5. That section 13 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows: Amends § 13, ch. 166, Laws 1933.

Section 13. The term "for hire carrier" means every person, owning, controlling, operating or managing any motor vehicle used in the business of transporting property for compensation over any public highway, except such persons as are included in the terms "certified freight carrier" and "contract hauler" as hereinbefore defined, not operating exclusively within the incorporated limits of any city or town. "For hire carrier."

Whether or not any motor vehicle is used in the business of transporting property for compensation within the meaning of this act shall be a question of fact, depending upon the frequency of operation, amount and basis of compensation, and such other facts as indicate the true nature and extent of such use; and in all cases where any compensation is received at all the question shall be determined upon application to the department, and the disclosure and reporting to it from time to time of such facts as it shall require.

SEC. 6. That chapter 166 of the Laws of 1933 be amended by adding after section 14 thereof a new section to be known as section 14A to read as follows: Amends ch. 166, Laws 1933.

Section 14A. The department shall have discretionary power and authority to issue temporary permits to for hire carriers covering seasonal opera- Temporary permits.

tions for a period of not to exceed one hundred twenty (120) days, and may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this act. The application fee for such temporary for hire carrier permit shall be five dollars (\$5.00).

Fee.

Amends
§ 15, ch. 166,
Laws 1933.

SEC. 7. That section 15 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Liability and
property
damage
insurance.

Section 15. The department shall, in the granting of permits to for hire carriers under this act, require such for hire carriers to first procure and file liability and property damage insurance from a company licensed to write such insurance in the State of Washington for such limits of liability, and upon such terms and conditions as the department shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies the department shall give due consideration to the character and amount of traffic and the number of persons affected, and the degree of danger which the proposed operation involves.

Amends
§ 16, ch. 166,
Laws 1933.

SEC. 8. That section 16 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Application
for permit.

Section 16. Upon the filing of an application for a permit to operate as a for hire carrier and compliance with all lawful requirements, the department is hereby vested with power and authority to grant a permit to the applicant, which permit shall set forth the name and address of the person to whom the permit is granted, the names and addresses of its

officers, if any, the nature of the transportation to be engaged in, and a description of the vehicle to be used therein, including weight, size and carrying capacity. The department shall have power to supervise and regulate the facilities, service and safety of the operations of every such for hire carrier for the purpose of promoting safety upon the highways and the conservation of their use and to regulate and supervise the accounts and methods of operation of the same; and to prescribe such minimum rates, rules and regulations as it may deem necessary in carrying out the provisions of this act. The department also shall have power to prescribe such reasonable rules and regulations governing the operations of motor vehicles used for the transportation of property for compensation even though such vehicles do not come within the terms "for hire carrier," "contract hauler" or "certificated freight carrier" as it may deem necessary in carrying out the provisions of this act.

Regulations.

SEC. 9. That section 21 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends
§ 21, ch. 166,
Laws 1933.

Section 21. The term "private carrier" means any person engaged in the transportation in his own motor vehicle of property sold or to be sold by him in the furtherance of any private commercial enterprise or for the purpose of lease, rent or bailment, not operating exclusively within the incorporated limits of any city or town.

"Private
carrier."

SEC. 10. That section 23 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends
§ 23, ch. 166,
Laws 1933.

Section 23. The department is hereby vested with power and authority, and it shall be its duty to issue permits to private motor carriers of property and to require the filing of such information and

Permits.

Regulations. data as may be required by the department. Such permit shall be in such form and contain such information as the department deems advisable. The department shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations conformable to this act governing all private motor carriers of property.

Amends
§ 25, ch. 166,
Laws 1933.

SEC. 10½. That section 25 of chapter 166 of the Laws of 1933 be amended to read as follows:

Forms.

Section 25. The department shall prescribe forms of application for such permits for the use of prospective applicants and shall make regulations for the filing thereof. All applications for such permits shall be accompanied by an application fee of two dollars (\$2.00).

Fee.

Amends
§ 15, ch. 96,
Laws 1921;
§ 1, ch. 140,
Laws 1931;
§ 27, ch. 166,
Laws 1933.

SEC. 11. That section 15 of chapter 96 of the Laws of 1921 as amended by section 1 of chapter 140 of the Laws of 1931 as further amended by section 27 of chapter 166 of the Laws of 1933 be amended to read as follows:

Registration
fees.

Section 15. Except as otherwise specifically provided by law for the registration of each motor vehicle, there shall be paid and collected annually three dollars (\$3.00); and in addition thereto for each for hire car, auto stage or auto stage trailer, four dollars and fifty cents (\$4.50) per seat for the seating capacity thereof; and for each truck or trailer the following fees, based upon the maximum rated carrying capacity thereof: 5,000 lbs. or less, 75c per hundred weight or fraction thereof; over 5,000 lbs. and not to exceed 10,000 lbs., 85c per hundred weight or fraction thereof; over 10,000 lbs. and not to exceed 15,000 lbs., 95c per hundred weight or fraction thereof; over 15,000 lbs. and not to exceed 20,000 lbs., \$1.05 per hundred weight or fraction thereof; over 20,000 lbs. the last mentioned rate shall be increased 10c per hundred weight or fraction thereof for each

ton the maximum rated carrying capacity exceeds 20,000 lbs.: *Provided*, No such fee shall exceed six hundred dollars (\$600.00); and in case any such vehicle shall be propelled by steam or electricity, gas or other fuel upon which an excise tax on liquid fuel has not been provided by this act, an additional fee of seventy-five cents (75c) per hundred weight or fraction thereof of such vehicle's gross weight shall be paid and collected in lieu of such excise tax: *Provided*, That the fee for any truck or trailer used only for the purpose of transporting any well-drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house or similar machine or structure attached to and made a part thereof, shall be three dollars (\$3.00): *Provided further*, That no additional fee shall be required to be paid upon trucks or trailers of a maximum rated carrying capacity of one-half ($\frac{1}{2}$) ton or less when the same is used by the owner solely for carrying his own produce or property.

Additional
fee.

One-half ton
truck or
trailer used
by owner
exempt.

Annual fees for dealer's licenses, and dealer's license plates and fees for additional plates, shall be paid and collected as follows: Dealers in motorcycles and motor vehicles five dollars (\$5.00) including one set of dealer's license plates, and additional sets of license plates bearing the same number, two dollars (\$2.00) per set of two plates.

Dealer's
license
fees.

It shall be unlawful for the owner or operator of any motor vehicle, truck or trailer not licensed annually for hire to carry passengers therein for hire: *Provided*, That in lieu of the fee heretofore set forth for trailers of a carrying capacity of 20,000 pounds or greater, the operation of which is carried on under special permit from the department of highways, may be operated for a fee of \$3.00 plus a per diem fee of \$5.00 per day for each day's operation thereof on the streets or highways within the state. The per diem fee shall be paid to the director of

Unlawful
to convey
passengers
for hire
without
license.

licenses in such manner and at such time as he shall by general rules provide.

Amends
§ 28, ch. 166,
Laws 1933.

SEC. 12. That section 28 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Filing of
statement
showing
gross operat-
ing revenue.

Section 28. Every "certified freight carrier," "contract hauler" and "for hire carrier" operating under the provisions of this act shall between the first and fifteenth days of January, April, July and October of each year, file with the director of public works a statement showing the gross operating revenue of such hauler or carrier for the preceding three months, or portion thereof, and shall pay to the said director a fee of one per cent of the amount of such gross operating revenue.

Moneys
collected.

All moneys collected under this act, except those collected under section 27, as amended, are for the purpose of carrying out the provisions of this act, and shall be paid into the state treasury at least monthly and credited to the public service revolving fund.

Amends
§ 31, ch. 166,
Laws 1933.

SEC. 13. That section 31 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Promulgate
and mail
regulations
to holders of
certificates.

Section 31. The department shall promulgate and mail to each holder of a certificate or permit hereunder, such regulations as it may deem necessary to properly carry out the provisions and purposes of this act.

Amends
§ 32, ch. 166,
Laws 1933.

SEC. 14. That section 32 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Identifica-
tion card.

Section 32. The department shall prescribe an identification card which must be displayed within the cab of each motor vehicle, setting out the certificate or permit number and the route or territory over which the vehicle is authorized to operate, giv-

ing the name and address of the owner of said certificate or permit. It shall be unlawful for the owner of said certificate or permit, his agent, servant or employee, or any other person to use or display said identification card after said certificate or permit has been cancelled or disposed of. The identification card provided for herein may be in such form and contain such information as required by the department. It shall be unlawful for any owner of a certificate or permit, his agent, servant, or employee, to display upon any motor vehicle the certificate or permit number, or other insignia of authority from the department after said certificate or permit has expired, or has been cancelled.

SEC. 15. That section 33 of chapter 166 of the Laws of 1933 be and the same is hereby amended to read as follows:

Amends
§ 33, ch. 166,
Laws 1933.

Section 33. It shall be unlawful for any certified freight carrier, contract hauler, for hire carrier or private carrier as hereinbefore defined to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front and rear of such vehicle an identification plate to be furnished by the department. Each of such plates shall be designed so as to identify the vehicle on which the same is attached as being a vehicle authorized to operate under the terms of this law; said plate shall bear the number given to the vehicle by the department and such other marks of identification as may be necessary. The plates for certified freight carrier vehicles, contract hauler vehicles, for hire carrier vehicles and private carrier vehicles, shall be different in design. The identification plates provided for herein shall be in addition to the regular license plates required by law. It shall be the duty of the department to provide these plates and each motor vehicle operating in this state shall display such plates as soon as the same are received and

Identifica-
tion plates.

such plates shall be issued annually thereafter and attached to each motor vehicle not later than January first of each year, or as soon thereafter as possible. The department shall be authorized to collect from the applicant a fee of one dollar for each pair of plates so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

Fee.

Repeals
§ 38, ch. 166,
Laws 1933.

SEC. 16. That section 38 of chapter 166 of the Laws of 1933 be and the same is hereby repealed.

Conflicting
acts.

SEC. 17. If any of the provisions of this act are or shall be in conflict with any of the provisions of chapter 111 of the Laws of 1921 or acts amendatory thereto, then this act shall supersede any such conflicting provisions of said chapter 111 or acts amendatory thereto.

Ch. 111,
Laws 1921.

SEC. 18. Persons operating under certificates of public convenience and necessity heretofore issued under chapter 111 of the Laws of 1921 and acts supplemental or amendatory thereto, shall continue to operate under said certificates in the same manner and to the same effect as if such certificates were granted under the provisions of this act.

Effective
immediately.

SEC. 19. 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 House January 12, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 17, 1934.

CHAPTER 56.

[H. B. 23.]

PUBLIC ACCOUNTANTS.

AN ACT relating to the practice of public accountancy; providing for the licensing of public accountants, and declaring an emergency.

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

SECTION 1. The following words have in this act the significance attached to them in this section unless otherwise apparent from the context:

(a) "Director of licenses" means the state official holding the office by that title under the provisions of the administrative code (chap. 7, Laws of 1921).

"Director of licenses."

(b) "Practicing public accountancy" or "the practice of public accountancy." A person, either individually, or as a member of a firm, partnership or association, shall be deemed to be practicing public accountancy or in the practice of public accountancy, within the meaning and intent of this act:

"Practicing public accountancy."

1. Who holds himself out to the public in any manner as one who is skilled in the knowledge, science and practice of accountancy, and as qualified to render professional service therein as a public accountant for compensation; or

2. Who maintains an office for the transaction of business as a public accountant, or who, except as an employee of a public accountant, practices accountancy, as distinguished from bookkeeping, for more than one employer; or

3. Who offers to prospective clients to perform for compensation, or who does perform on behalf of clients for compensation, professional services that involve or require an audit or verification of financial transactions and accounting records; or

4. Who prepares or certifies for clients, reports of audits, balance-sheets, and other financial, accounting and related schedules, exhibits, statements, or reports which are to be used for publication or for credit purposes, or are to be filed with a court of law or with any other governmental agency, or for any other purpose; or

5. Who in general or as an incident to such work, renders professional assistance to clients for compensation in any or all matters relating to accountancy procedure, and the recording, presentation and certification of financial facts.

"Licensed public accountant."

(c) A "licensed public accountant" is a person duly licensed and authorized under this act to engage in the practice of public accountancy, and use the designation "licensed public accountant."

(d) Male gender shall include female gender.

Granting of license.

SEC. 2. License to practice as a public accountant shall be granted to any citizen of the United States or to any other person who within five years next preceding the date of application has duly declared his intention of becoming such citizen, who is over twenty-one years of age, of good moral character and who submits evidence satisfactory to the director of licenses that he has been in practice as a public accountant or in the employ of a public accountant for a period of three years either before or after the passing of this act, such application to be accompanied by payment of a fee of \$25.00 to the state treasurer.

Revocation of license.

SEC. 3. Any license to practice as a public accountant hereafter issued may be revoked in the manner hereinafter provided for any one or more of the following reasons:

(1) Fraud or deceit in obtaining such license or registration;

(2) Conviction of a felony, as shown by a certified copy of the record of conviction;

(3) Conviction of any crime, an essential element of which is dishonesty or fraud;

(4) Proof of knowingly certifying to any false or fraudulent report, certificate, exhibit, schedule or statement;

(5) Proof of gross carelessness or incompetence in performing services as a public accountant.

SEC. 4. Whenever there shall be filed with the director of licenses any written complaint duly verified by the oath of the complainant charging that the holder of the license to practice as a public accountant, has been guilty of any act or omission which would justify the revocation of the license as in this act provided, the director of licenses shall request the Governor to appoint, and the Governor shall appoint, two persons, each of whom shall have been duly licensed under this act to practice as a public accountant, who, with the director of licenses, shall constitute a committee to hear and determine the charges. The decision of any two members of such committee shall be the decision of the committee. If, under the decision of the committee the charges are sustained the committee shall determine whether the license shall be revoked or suspended, and if suspended, the period of suspension. Notification of revocation or suspension shall be given by the director of licenses in accordance with the decision of the committee and the revocation or suspension noted on the records of the office of the director of licenses.

Complaint.

Committee to hear charges.

Notice by director of revocation.

SEC. 5. Any person whose license to practice as a public accountant has been revoked may, after one year from the date of such revocation, make application for reinstatement to all the rights and privileges under the original license to practice as a public accountant. Application for reinstatement shall be referred to a committee appointed and composed as provided herein to hear charges. The com-

Application for re-instatement.

mittee may, by majority vote, order the reinstatement, in which event the director of licenses shall notify the applicant of his reinstatement to practice as a public accountant.

Expiration
of licenses.

Annual
license fee.

SEC. 6. Licenses to practice as public accountants shall expire on the 30th day of June following the date of their issuance, and shall be invalid thereafter unless renewed by the payment of an annual license fee of \$2.00 to the state treasurer, who shall deposit the fee in the state treasury to the credit of the general fund and issue to the applicant an original receipt therefor and furnish the director of licenses with a duplicate receipt and the director of licenses shall forthwith issue to the applicant entitled thereto a renewal license: *Provided*, That the licenses issued between January 1st and June 30th of any year shall not expire until June 30th of the year following.

Invalidity
of part shall
not affect
balance.

SEC. 7. 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.

Effective
immediately.

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

Passed the House January 9, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 18, 1934.

CHAPTER 57.

[H. B. 196.]

OCCUPATION TAX.

AN ACT relating to taxation; imposing tax upon persons engaging in service and other businesses; defining terms; relating to persons exempted from tax; adding two new sections to chapter 191 of the Laws of 1933 and amending section 4 thereof; and declaring that this act shall take effect immediately.

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

SECTION 1. That chapter 191 of the Laws of 1933 be, and the same hereby is, amended by adding thereto a new section, to be known as section 2-a, to read as follows:

Amends
ch. 191,
Laws 1933.

Section 2-a. (1) From and after the first day of January, 1934, and until the thirty-first day of July, 1935, there is hereby levied and there shall be collected from every person engaging or continuing within this state in the business of rendering or performing services, professional or otherwise, and from every person engaging or continuing within this state in any business not specifically taxable under section 2 of this act, an annual tax or excise for the privilege of engaging in such business; as to such persons the amount of the tax or excise shall be equal to the gross income of the business multiplied by the rate of five-tenths of one per cent; for the purposes of this act a person engaged in a business or profession shall include all persons whose services are paid from public funds holding any public office or any public position or employment with the State of Washington or any political subdivision thereof, whose monthly salary exceeds \$200.00 per month. This section shall apply, also, to every person taxable under section 2 of this act with respect to any portion of the gross income of

Tax levied.

the business derived from activities not taxable under the provisions of said section 2.

Exceptions
from act.

(2) The provisions of this act shall not apply :

(a) To persons acting solely in the capacity of employee or servant, receiving a fixed wage or salary or a compensation determinable according to an agreed plan or formula, having no direct interest in the income or profits, or liability for expenses or losses, as such, resulting from the transaction of the business.

(b) To gross income derived from the lease or rental of real estate: *Provided, however,* That nothing herein shall be construed to except gross income derived from engaging in a hotel, warehouse or storage business or from engaging in any business wherein a mere license to use or enjoy real property is granted.

(c) To gross income derived from initiation or membership fees, dues, contributions, donations, gifts, tuition fees, investment or endowment funds. The deductions provided for in this paragraph shall not apply in the case of any person engaging in business for profit or to a corporation, association or society any part of the income of which inures to the benefit of any stockholder, member or other individual, directly, in the form of dividends or distributions or, indirectly, in the form of salary, wage, fee or commission incommensurate with the value of services rendered. The provisions of this paragraph shall not be construed to exempt any person, association or society from tax liability upon engaging in any extractive or manufacturing industry, upon selling tangible property or upon providing facilities or services for which a special charge is made to members or others.

Amends
ch. 191,
Laws 1933.

SEC. 2. That chapter 191 of the Laws of 1933 be, and the same hereby is, amended by adding

thereto a new section, to be known as section 1-a, to read as follows:

Section 1-a. The term "value proceeding or accruing" means the consideration, whether money, credits or other property, expressed in terms of money, actually received or accrued. The term shall be applied, in each case, in accordance with the method of accounting regularly employed in keeping the books of the taxpayer. The tax commission, by regulation, shall provide for deductions on account of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis. The tax commission also may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due.

"Value proceeding or accruing."

SEC. 3. That section 4 of chapter 191 of the Laws of 1933 be, and the same hereby is, amended to read as follows:

Amends § 4, ch. 191, Laws 1933.

Section 4. The following persons shall be exempted from the provisions of this act:

Persons exempt.

(1) Insurance companies which pay to the State of Washington a tax upon gross premiums.

(2) Persons engaging in the business of:

(a) Growing or cultivating for sale, profit or use any agricultural or horticultural product or crop.

(b) Breeding, hatching or raising any fowl, animal or livestock for sale, profit or use or for the milk, eggs, wool, fur or other substance obtainable therefrom.

Provided, however, That the foregoing shall not be construed to exempt any person:

(w) From tax as a retailer of tangible property.

(x) Growing, raising or cultivating oysters, clams, shrimp, crabs, fish or the like.

(y) Purchasing and feeding or fattening live-stock.

(z) Growing, raising or cultivating trees, shrubs, bushes, plants and the like, either as forest or nursery products.

Effective immediately.

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

Passed the House January 11, 1934.

Passed the Senate January 11, 1934.

Approved by the Governor January 18, 1934.

CHAPTER 58.

[H. B. 60.]

ASSOCIATION OF SUPERIOR COURT JUDGES.

AN ACT providing for the relief of congested superior court calendars; providing for the organization and government and duties and powers of "The Association of the Superior Court Judges of the State of Washington" and the officers thereof; and declaring an emergency.

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

Association of superior court judges.

SECTION 1. All the judges of the superior courts of the State of Washington are hereby associated under the name of the association of the superior court judges of the State of Washington.

First meeting called by Governor.

SEC. 2. The first meeting of the association shall be called by the Governor of the state by notice sent to each judge by mail, fixing the time and place of meeting, which shall be within thirty days after this act becomes effective. At this meeting the judges shall elect from their number a president, who shall be called president judge, and a secretary, who shall hold their offices until the next meeting, which shall be held at some time in July or August, 1935, and

President ; secretary.

at a date and place to be determined by the association.

SEC. 3. At this first meeting the association shall adopt a plan looking to the equitable distribution of the work of the superior courts of the state so that congestion in trial calendars shall be abolished. To this end the judge of each county or judicial district in the state having control of the trial calendar shall, not less than once each month, in writing, advise the president judge of the condition of the trial calendar of his county or district and of any other conditions requiring another judge. And it shall be the duty of the president judge to direct any judge whose calendar in his judgment will permit, to hold court in any other county where congestion exists or other conditions require for such time as will make for the efficient functioning of the superior courts of the state. And it shall be the duty of every judge to obey such direction of the president judge, unless excused by him for sufficient cause.

Plan to relieve congestion of trial calendars.

SEC. 4. At the first meeting and at all future annual meetings, pursuant to sec. 24, art. IV of the state constitution, the association shall have power to establish uniform rules for the government of the superior courts, which rules may be amended from time to time.

Power to establish uniform rules.

SEC. 5. Beginning with the year 1935, this association shall meet annually in July or August, at which meeting officers shall be chosen for the ensuing year and such other business transacted as may properly come before the association.

Meet annually.

SEC. 6. (a) For attendance upon any annual meeting a judge shall be entitled to receive from the State of Washington the amount of his actual traveling and living expenses.

Attendance of annual meeting: expenses.

(b) For attendance while holding court in any other county or district pursuant to direction of the

Visiting
judge:
expenses.

president judge, a judge shall be entitled to receive from the county to which he is sent the amount of his actual traveling and living expenses and also the excess, if any, in the salary then being paid the judges in such county or district over the salary being paid to the visiting judge in his own county or district, which excess in salary shall be paid one-half by the state and one-half by the visited county or district in the manner provided for payment of his expenses.

Statement to
state auditor.

(c) Upon presenting to the state auditor a statement signed by himself and approved by the president judge, showing such salary excess, if any, as visiting judge, and in separate items his traveling and living expenses for attendance upon the annual meeting, the state auditor shall draw a warrant on the general fund for the amount of such statement and deliver it to such judge.

Existing
laws.

SEC. 7. Except for the provisions of section 6 of this act, this act shall not be held to repeal any other existing law relating to the visitation of judges.

Effective
immediately.

SEC. 8. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House December 28, 1933.

Passed the Senate January 11, 1934.

Approved by the Governor January 18, 1934.

CHAPTER 59.

[H. B. 86.]

DIVISION OF APICULTURE.

AN ACT establishing a division of apiculture in the department of agriculture, prescribing the powers and duties of the director of agriculture in relation thereto regulating the importation, keeping and sale of bees, prescribing penalties for violation thereof and repealing chapter 116, Session Laws of 1919, and making an appropriation, and declaring that this act shall take effect immediately.

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

SECTION 1. There is hereby created and established a division of apiculture in the department of agriculture which shall consist of the director of agriculture and of such apiarist inspectors as may be from time to time appointed by such director. The director of agriculture shall receive no additional salary as such but shall be paid his actual necessary traveling expenses incurred in the performance of his duties under this act.

Division of apiculture created.

SEC. 2. The director of agriculture shall have the power and it shall be his duty to appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, the investigation of outbreaks of bee diseases and the enforcement of the provisions of this act in relation to their eradication and control. Such apiary inspector or inspectors shall be paid not more than six dollars (\$6.00) per day for services while so employed and actual necessary traveling expenses incurred in the performance of such duties.

Director of agriculture to appoint apiary inspectors.

Remuneration.

SEC. 3. The director of agriculture shall, as often as he deems necessary or when requested in writing by the owner of an apiary or upon the written com-

Requested inspection.

plaint of any owner of an apiary, make or cause to be made by an inspector an inspection of any apiary or apiaries for the purpose of ascertaining whether or not they are infected with "American foul brood," "European foul brood," or any other disease which is infectious or contagious in its nature or injurious to bees in their eggs, larval, pupal or adult stages, and upon such inspection if it is found that any apiary is so infected, the inspector making the inspection, shall give the owners or caretakers thereof full instructions as to the best methods of controlling or eradicating the infection.

Burning of colonies infected by disease.

SEC. 4. The inspector who shall have made an inspection, as provided in the preceding section, shall visit all infected apiaries a second time after ten days from the date of any such inspection and if he finds that the disease has not been treated according to an approved method, providing conditions were such that it could be so treated, shall burn or cause to be burned all colonies affected by such disease and all honey and appliances which would spread the same, without recompense from the state to the owner, lessee, or other person interested therein.

Unlawful to sell, give away or move diseased bees.

SEC. 5. It shall be unlawful for the owner, lessee, caretaker, or any other person in charge of any apiary, or appliances wherein infectious or contagious diseases exist, to sell, barter or give away, or to move without the consent of an inspector, any diseased bees, either queen bees or workers or colonies, or appliances affected with any contagious or infectious disease, or to expose other bees to the danger of such infection.

Inspectors shall have access to all apiaries.

SEC. 6. For the purpose of the enforcement of the provisions of this act, the apiary inspectors shall have access and ingress to all apiaries or places where bees are kept and it shall be unlawful for any

person to resist, impede or hinder in any way such officer in the discharge of his duties under the provisions of this act.

SEC. 7. It shall be the duty of the inspector and of any other person who shall have inspected any infected apiary or who shall have knowingly come in contact with or handled any diseased bees, before proceeding to any other apiary, to thoroughly disinfect his person and clothing and any tools or appliances used by him which shall have come in contact with any infected material.

Disinfection.

SEC. 8. It shall be unlawful for any person engaged in the rearing of queen bees for sale, to use any honey in the making of candy for use in mailing cages unless such honey has been boiled for at least thirty minutes, and it shall be the duty of every person engaged in the rearing of queen bees for sale to have his queen rearing apiary or apiaries inspected by an apiary inspector whenever necessary and whenever conditions for inspection are favorable, and in case any infectious or contagious disease is discovered by such inspection, it shall be unlawful for the person owning, leasing or in charge of such queen rearing apiary or apiaries to ship any queen bees therefrom until he shall have received a certificate in writing from an apiary inspector that such apiary or apiaries are free from all disease.

Queen bees.

SEC. 9. The director of agriculture shall make an annual report to the Governor concerning the operation of the division of apiculture, which shall give the number of apiaries inspected, the number of colonies treated, the number of colonies destroyed and such other information as he may deem necessary or of value to the bee keeping industry.

Director to make annual report to Governor.

SEC. 10. It shall be unlawful for any person to import any bees into this state unless such bees are

Importation
of bees.

accompanied by a certificate issued by the officers having charge of apiary inspection in the state or country from which such bees are imported, stating that they are free from contagious and infectious diseases, without giving notice to the director of agriculture at least ten days before their arrival of his intention so to do, or to receive and place any such imported bees unaccompanied by such certificate in any apiary, or to liberate such bees without first having the same inspected by an apiary inspector; and if upon such inspection of any imported bees, they shall be found to be affected by an infectious or contagious disease, it shall be the duty of the inspector making the inspection, to require such bees to be isolated and treated until such time as the inspector shall determine that all danger of infection is removed, or the inspector may in his discretion order said bees and all cages, hives and combs imported therewith to be destroyed.

Immovable
combs in
hives un-
lawful.

SEC. 11. It shall be unlawful for any person to keep any bees in any hives or boxes wherein the combs are immovable or which are so constructed as to impede or hinder inspection.

Violation
of act.

SEC. 12. Every person convicted of violating or failing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as provided by law.

Repeals
ch. 116,
Laws 1919.

SEC. 13. That chapter 116, Session Laws of 1919, be and the same is hereby repealed.

Appropriation
\$1,500.

SEC. 14. For the purpose of carrying out the provisions of this act there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of fifteen hundred dollars (\$1,500.00).

SEC. 15. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Effective immediately.

Passed the House December 22, 1933.

Passed the Senate January 8, 1934.

Approved by the Governor January 18, 1934.

CHAPTER 60.

[S. B. 93.]

FIRE PREVENTION DISTRICTS.

AN ACT relating to the formation, organization and government of fire prevention districts in areas outside of incorporated cities and towns in class "A" and first class counties; providing for a tax levy to maintain and operate the same; and for the election of and prescribing the duties of certain officers therein and prescribing the duties of certain other public officers in connection therewith.

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

SECTION 1. Fire protection districts for the protection of property from fire in territories outside of incorporated cities and towns are hereby authorized to be established in class "A" and first class counties, as in this act provided.

Fire prevention districts authorized.

SEC. 2. For the purpose of formation of a fire protection district, a petition designating the boundaries of the proposed district, metes and bounds, or describing lands to be included in the proposed district by United States townships, ranges and legal subdivisions, signed by not less than ten per cent (10%) of the qualified registered electors who are property owners, or who are buying property by contract, and who are resident within the bound areas of such district, and setting forth the object for the creation of such district, and the establish-

Petition for formation.

ment of such district will be conducive to the public safety, welfare and convenience, and will be of benefit to the property included therein, shall be filed with the county auditor of the county within which such proposed district is located, accompanied by an obligation signed by two or more of the petitioners, agreeing to pay the cost of the publication of the notice hereinafter provided for. The county auditor shall, within ten days from the date of filing such petition examine the signatures and certify to the sufficiency or insufficiency thereof; and for such purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the boundaries of the proposed district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures of qualified registered electors who are property owners or who are buying property by contract within the proposed district the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners, and thereupon the board of county commissioners, by resolution entered upon its minutes, shall fix a time and place for a public hearing within the district on such petition, which time shall be not less than thirty nor more than forty days from the date of filing of such petition with the board of county commissioners; and shall cause to be published in not less than two successive issues of the official newspaper of the county, and, in the discretion of the board, in not less than two successive issues in a newspaper of general circulation within the boundaries of the proposed district, a notice that such a petition has been presented, and

County auditor.

Petitioner may not withdraw name.

Resolution of county commissioners.

Publication.

stating the time and place at which a hearing will be had thereon.

SEC. 3. At the time and place fixed for the hearing on such petition, the board of county commissioners shall hear all persons resident of the proposed district appearing at such hearing, in favor of or opposed to the formation of such district, and shall determine whether the formation of such district, or a district including a portion or portions of the territory described in the petition, will be conducive to the public safety, welfare and convenience and of benefit to the property included within the district; and if the county commissioners of such county find said proposed fire prevention district will be conducive to the public safety, welfare and convenience and shall be of special benefit to the majority of land included within the boundaries of said proposed district, they shall by resolution call a special election to be held not less than thirty days from the date of such certificate, and shall cause to be published a notice of such election for four successive weeks, in a newspaper of general circulation in the county in which said proposed fire prevention district is located, which notice shall set the hours during which such polls will be open, boundaries of the proposed fire protection district as finally adopted by said county commissioners and object of such election, and the said notice shall also be posted for ten days in three public places in said proposed fire protection district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed in the following terms:

Hearing.

Publication of notice of election.

Ballot.

Fire Protection District No..... YES.....
Fire Protection District No..... NO.....

giving in each instance the name of such district as may be desired by the board of county commissioners.

District shall vote for three commissioners.

SEC. 4. At the same election the qualified electors of the fire prevention district shall vote for the election of three non-salaried, non-partisan commissioners, each of whom shall have five days previous to the said election filed a petition of nomination, signed by twenty qualified residents of said district who shall upon election have the power and it shall be the duty of said fire district commissioners to adopt and from time to time amend and enforce reasonable rules and regulations defining fire protection and to charge against all lands included within said district the cost of such fire protection: *And provided further*, That they shall certify the assessment upon the property in said district to the commissioners of said county at the time of the making of the annual budget as provided by law: *And provided further*, That such assessment shall not be more than two mills upon the assessed valuation of said property.

Assessments.

Special fund established.

SEC. 5. In the office of the county treasurer of any county in which a fire protection district is established as provided by this act, there shall be created a special fund, to be known as the "Fire Protection District No..... Fund" and all assessments or fees collected for the administration of fire protection shall be credited to such fund, and all expenses incurred for fire protection within such district shall be charged to such fund, and shall be paid upon warrants issued under the direction of the board of county commissioners in accordance with the rules and regulations adopted, as hereinbefore in this act provided.

Delinquent assessments.

SEC. 6. In case any assessments for the administration of fire protection, provided for in the preceding section, are not paid at the times provided

for in such rules and regulations, it shall be the duty of the county auditor to certify that fact to the county treasurer, giving the respective amounts of the fees not paid, and describing the lands against which such fees were charged, and the respective dates when said fees were due and became delinquent; and upon receipt of such certificate, it shall be the duty of the county treasurer to charge such delinquent fees upon the current tax rolls of the county, against the lands described in the certificate as to the date when they became due, and such charge shall constitute a lien upon the lands against which the charge is made, and such charges shall be payable, together with interest at the rate provided by law for interest on delinquent taxes, from the date of the charge, and such charge shall be collected and such liens shall be foreclosed in the manner provided by law for the collection of, and the foreclosure of, liens for general county delinquent taxes.

Constitute
lien on
lands.

Passed the Senate December 30, 1933.

Passed the House January 11, 1934.

Approved by the Governor January 18, 1934.

CHAPTER 61.

[H. B. 156.]

PRODUCTION AND TRANSPORTATION OF
PETROLEUM PRODUCTS.

AN ACT relating to the business of producing from natural deposits and/or carrying or transporting natural gas and/or crude oil or petroleum or the products thereof for hire, defining a common carrier; and providing for the regulation of such business.

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

SECTION 1. Every person, co-partnership, corporation or other association now or hereafter engaged in the business of producing from natural deposits and/or carrying or transporting natural gas and/or crude oil or petroleum or the products thereof for hire, by pipe lines within this state shall be a common carrier within the meaning and subject to the provisions of chapter 117, Laws of 1911 and all acts amendatory thereof and supplemental thereto: *Provided, however,* That the provisions of this act shall not apply to distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

Passed the House December 30, 1933.

Passed the Senate January 9, 1934.

Approved by the Governor January 23, 1934.

CHAPTER 62.

[S. B. 7.]

WASHINGTON STATE LIQUOR ACT.

AN ACT relating to intoxicating liquors, providing for the control and regulation thereof, creating state offices, defining crimes and providing penalties therefor, providing for the disposition of public funds and declaring that this act shall take effect immediately.

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

SECTION 1. This act may be cited as the "Washington State Liquor Act." Title.

SEC. 2. This entire act shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. Police power.
Liberally construed.

SEC. 3. In this act, unless the context otherwise requires:

"Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. "Alcohol."

"Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four per cent of alcohol by weight, and not less than $\frac{1}{2}$ of one per cent of alcohol by volume. For the purposes of this act any such beverage, including ale, stout and porter, containing more than four per cent of alcohol by weight shall be referred to as "strong beer." "Beer."
"Strong beer."

- "Brewer." "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.
- "Board." "Board" means the liquor control board, constituted under this act.
- "Club." "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.
- "Consume." "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.
- "Dentist." "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10030-10038, Rem. Rev. Stat.
- "Distiller." "Distiller" means a person engaged in the business of distilling spirits.
- "Druggist." "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to sections 10126-10146, Rem. Rev. Stat.
- "Drug Store." "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours drug store is open.
- "Employee." "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.
- "Fund." "Fund" means "liquor revolving fund."
- "Hotel." "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which 20 or more rooms are used for the sleeping accommodation of such transient guests and having one-or more dining rooms where meals are served to such transient guests, such

sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: *Provided further*, That in cities and towns of less than five thousand (5,000) population, the board shall have authority to waive the provisions requiring twenty (20) or more rooms.

“Imprisonment” means confinement in the county jail. “Imprisonment.”

“Interdicted person” means a person declared an habitual drunkard pursuant to sections 1708-1715, Rem. Rev. Stat., or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this act. “Interdicted person.”

“Liquor” includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one per cent of alcohol by weight shall be conclusively deemed to be intoxicating. “Liquor.”

“Manufacturer” means a person engaged in the preparation of liquor for sale, in any form whatsoever. “Manufacturer.”

“Malt liquor” means beer, strong beer, ale, stout and porter. “Malt liquor.”

“Package” means any container or receptacle used for holding liquor. “Package.”

- "Permit." "Permit" means a permit for the purchase of liquor under this act.
- "Person." "Person" means an individual, copartnership, association, or corporation.
- "Physician." "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10008-10025, Rem. Rev. Stat.
- "Prescription." "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this act for medicinal purposes.
- "Public place." "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance-halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this act, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public, and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.
- "Regulations." "Regulations" means regulations made by the board under the powers conferred by this act.
- "Restaurant." "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is

habitually furnished to the public, not including drug stores and soda fountains.

“Sale” and “sell” include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. “Sale, sell.”

“Soda fountain” means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise. “Soda fountain.”

“Spirits” means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen (17) per cent of alcohol by weight. “Spirits.”

“Store” means a state liquor store established under this act. “Store.”

“Tavern” means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined. “Tavern.”

“Vendor” means a person employed by the board as a store manager under this act. “Vendor.”

“Winery” means a business conducted by any person for the manufacture of wine for sale. “Winery.”

“Farmers’ winery” means a place where any farmer in this state who grows grapes or other fruits upon his land, manufactures wine out of such grapes or other fruits grown by himself and no other, and sells by wholesale under the provisions of this act: *Provided*, That said wine shall not contain more than seventeen per cent (17%) of alcohol by weight. “Farmers’ winery.”

“Wine” means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been “Wine.”

added before, during or after fermentation, and containing not more than seventeen (17) per cent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen (17) per cent of alcohol by weight.

"Beer wholesaler."

"Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this act, or who represents such brewer or brewery as agent.

"Wine wholesaler."

"Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this act, or who represents such vintner or winery as agent.

Establishment of state liquor stores.

SEC. 4. 1. There shall be established at such places throughout the state as the liquor control board, constituted under this act, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations: *Provided*, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed twenty-five per cent.

Prices fixed.

Revenue not to exceed 25%.

Ethyl alcohol for physicians, dentists, hospitals, schools.

2. The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

3. The liquor control board may also fix the special price at which pure ethyl alcohol may be sold

to any department, branch or institution of the State of Washington, Federal Government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

For scientific purposes.

4. The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

For private individuals.

SEC. 5. The administration of this act, including the general control, management and supervision of all state liquor stores, shall be vested in the liquor control board, constituted under this act.

Board to administer act.

SEC. 6. The sale of liquor at each state liquor store shall be conducted by a person employed under this act to be known as a "vendor," who shall, together with the employes under his direction, under the regulations of the board, be responsible for the carrying out of this act and the regulations, so far as they relate to the conduct of the store and the sale of liquor thereat.

Employees responsible to board.

SEC. 7. 1. An employee in a state liquor store may sell to any person who is the holder of a subsisting permit such liquor as that person is entitled to purchase under his permit.

Limitation on employees' power to sell liquor.

2. No liquor sold under this section shall be delivered until

Delivery.

a. The purchaser has given a written order to the employee, dated and signed by the purchaser, and stating the number of his permit and the nature and quantity of the liquor ordered; and

Written order.

b. The purchaser has produced his permit for inspection by the employee; and

Permit produced.

c. The purchaser has paid for the liquor in cash.

Cash payment.

Sale of beer
and wine to
licensee.

SEC. 8. An employee may sell beer and wines to any licensee holding a license to sell under this act in accordance with the terms of said license.

Sealed
package.

SEC. 9. No liquor other than malt liquor shall be delivered to any purchaser at a state liquor store except in a package sealed with the official seal prescribed under this act.

Consuming
on store
premises
prohibited.

SEC. 10. No employee in a state liquor store shall open or consume, or allow to be opened or consumed any liquor on the store premises.

Stores closed
on Sundays.

SEC. 11. No sale or delivery of liquor shall be made on or from the premises of any state liquor store, nor shall any store be open for the sale of liquor, on Sunday.

Permits
classified.

SEC. 12. Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted such permit for the purchase of liquor under this act, the employee shall issue to the applicant a permit of the class applied for, as follows:

Applications.

Employee
may issue.

Individual
permit.

a. Where the application is for an individual permit and is made by an individual of the full age of twenty-one years, an individual permit in the prescribed form entitling the applicant to purchase liquor for beverage purposes; the fee for such permit to be fifty cents;

Special
permits for
physicians,
etc.

b. Where the application is for a special permit and is made by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health or as a home devoted exclusively to the care of aged people; the fee for such permit to be fifty cents;

Special per-
mits manu-
facturers,
etc.

b.b. Where the application is for a special permit by a person engaged within the state in mechan-

ical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by a natural person, a special permit in the prescribed form entitling the applicant to purchase alcohol for the purpose named in the permit, at such fee as may be fixed by the board.

c. Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit in the prescribed form entitling the applicant to purchase liquor for consumption at such banquet, to such applicants and at such fee and under such regulations as may be fixed by the board.

Special permits for banquets.

d. Where the application is for a special permit by a manufacturer to import alcohol, malt and other materials containing alcohol to be used in the manufacture of liquor, or other products, under the regulations, as [at] such fee as may be fixed by the board;

Special permits to import.

e. Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, under the regulations, at such fee as may be fixed by the board.

Special permits to druggists.

SEC. 13. 1. Every permit shall be issued in the name of the applicant therefor, and no permit shall be transferable, nor shall the holder of any permit allow any other person to use the permit.

Permits non-transferable.

2. No person shall apply in any false or fictitious name for the issuance to him of a permit, and no person shall furnish a false or fictitious address in his application for a permit.

Fictitious names.

3. Nothing in this act shall be construed as limiting the right of any minister, priest or rabbi, or religious organization from obtaining wine for sacramental purposes directly from any source what-

Wine for sacramental purposes.

soever, whether from within the limits of the State of Washington or from outside the state; nor shall any fee be charged, directly or indirectly, for the exercise of this right. The board shall have the power and authority to make reasonable rules and regulations concerning the importing of any such liquor or wine, for the purpose of preventing any unlawful use of such right.

Holder must sign permit.

SEC. 14. No permit shall be valid or be accepted or used for the purchase of liquor until the applicant for the permit has written his signature thereon in the prescribed manner, for the purposes of identification as the holder thereof, in the presence of the employee to whom the application is made.

Individual permits not issued to corporations, etc.

SEC. 15. No individual permit shall be issued to any corporation, partnership, or other unincorporated association of individuals.

Expiration of permit.

SEC. 16. Except in the case of special permits issued under clauses (b) and (c) of section 12, which shall expire in accordance with the terms contained therein, every permit shall expire at midnight on the thirty-first day of December of the year for which the permit was issued.

Cancellation or suspension of permit.

SEC. 17. Where the holder of any permit issued under this act violates any provision of this act or of the regulations, or is an interdicted person, or is otherwise disqualified from holding a permit, the board, upon proof to its satisfaction of the fact or existence of such violation, interdiction, or disqualification, and in its discretion, may with or without any hearing, suspend the permit and all rights of the holder thereunder for such period as the board sees fit, or may cancel the permit.

Surrender of cancelled or suspended permit.

SEC. 18. Upon receipt of notice of the suspension or cancellation of his permit, the holder of the permit shall forthwith deliver up the permit to the board. Where the permit has been suspended only,

the board shall return the permit to the holder at the expiration or termination of the period of suspension. Where the permit has been suspended or cancelled, no employee shall knowingly issue to the person whose permit is suspended or cancelled a permit under this act until the end of the period of suspension or within the period of one year from the date of cancellation.

SEC. 19. Where any permit is presented to an employee by a person who is not the holder of the permit, or where any permit which is suspended or cancelled is presented to an employee, the employee shall retain the permit in his custody and shall forthwith notify the board of the fact of its retention.

Permit may be seized by employees.

SEC. 20. Any physician who deems liquor necessary for the health of a patient, whether an interdicted person or not, whom he has seen or visited professionally may give to the patient a prescription therefor, signed by the physician, or the physician may administer the liquor to the patient, for which purpose the physician may administer the liquor purchased by him under special permit and may charge for the liquor so administered; but no prescription shall be given or liquor be administered by a physician except to bona fide patients in cases of actual need, and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed or administered is necessary; and any physician who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

Physicians may prescribe and administer liquor.

SEC. 21. Any dentist who deems it necessary that any patient then under treatment by him should be supplied with liquor as a stimulant or restorative may administer to the patient the liquor so needed, and for that purpose the dentist shall administer liquor obtained by him under special permit pursu-

Dentists may administer liquor.

ant to this act, and may charge for the liquor so administered; but no liquor shall be administered by a dentist except to bona fide patients in cases of actual need; and every dentist who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

Institutions.

SEC. 22. Any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, may, if he holds a special permit under this act for that purpose, administer liquor purchased by him under his special permit to any patient or inmate of the institution who is in need of the same, either by way of external application or otherwise for medicinal purposes, and may charge for the liquor so administered; but no liquor shall be administered by any person under this section except to bona fide patients or inmates of the institution of which he is in charge and in cases of actual need and every person in charge of an institution who administers liquor in evasion or violation of this act shall be guilty of a violation of this act.

Licenses classified.

SEC. 23. There shall be the following classes of licenses, at the annual license fees hereinafter set forth:

Fees:

Manufacturers;

1. License to manufacturers of liquor, including all kinds of manufacturers except distillers, and wineries and farmers' wineries; fee: \$250.00;

Wineries;

1½. License to wineries; fee: \$25.00; License to farmers' wineries; fee: \$10.00;

Distillers;

2. License to distillers; fee: \$2500.00: *Provided*, That the board shall license stills used and to be used solely and only by a commercial chemist for laboratory purposes, and not for the manufacture of liquor for sale, at a fee of \$10.00: *Provided, further*, That the board shall license stills used and to be

used solely and only for laboratory purposes in any school, college or educational institution in the state, without fee: *Provided, further,* That the board shall license stills which shall have been duly licensed as fruit and/or wine distilleries by the Federal Government, used and to be used solely as fruit and/or wine distilleries in the production of fruit brandy and wine spirits, at a fee of \$50.00;

Stills,
laboratory
purposes ;

Stills
licensed by
Federal
Government ;

3. License to brewers and beer wholesalers to sell beer, manufactured within or without the state, to licensed wholesalers and/or to holders of retail licenses under subsections 3½, 4, 5 and 6 hereof; fee: \$100.00; for each distributing unit.

Brewers
and beer
wholesalers ;

3½. License to dining, club, and buffet cars on passenger trains to serve such liquors as may be permitted to be served by the individual glass or opened bottle at retail, for consumption on the premises only, under the provisions of this act, by restaurants, hotels, and others of a similar class; which license shall be issued to any corporation, association or person operating any such car within the state upon payment of a fee of twenty-five dollars (\$25), which shall be a master license, and shall permit such sale upon one such car; and upon payment of the additional sum of one dollar (\$1) per car, such license shall extend to additional cars operated by the same licensee within the state, and duplicate licenses for such additional cars shall be issued: *Provided,* That such licensee may make such sales upon cars in emergency for not more than five consecutive days without such license.

Dining cars
etc., on
passenger
trains ;

Master
license.

Emergency
sales.

4. License to sell wines and beer by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued only to

Wines and
beer by glass
or opened
bottle.

- a. Hotels,
- b. Restaurants,

c. Dining places on boats and aeroplanes,

d. Clubs;

fee: \$25.00;

Beer by
individual
glass.

5. License to sell beer by the individual glass or opened bottle at retail, for consumption on the premises only; such license to be issued only to a person operating a tavern, drug store, or soda fountain, or both, fee: \$25.00;

Beer at
retail.

6. License to sell beer at retail in bottles and original packages, not to be consumed upon the premises where sold, at any store other than the state liquor stores; fee: \$10.00 for each store;

Wine in
bottles and
original
packages.

6A. License to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: *Provided*, Such licensee shall pay to the state liquor stores for such wines the current retail price: *And provided further*, That such licensee shall not be permitted to sell such wines to any minor; fee: \$10.00;

Current
retail price.

Minors.

Clubs,
provisions.

7. License to clubs, entitling each member of the club to keep on the premises a reasonable quantity of liquor for personal consumption on the premises: *Provided*, That no club shall be entitled to such a license

Operation
prior to
effective
date.

a. Unless such club had been in operation at least three years prior to the effective date of this act, or, the club, being thereafter formed, had been in continuous operation for at least one year immediately prior to the date of its application for such license: *Provided*, That by unanimous vote the board may waive the provisions of this subsection;

Waiver.

Satisfactory
management.

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

c. Unless the board shall have determined pursuant to any regulations made by it with respect to clubs, that such club is a bona fide club; fee: \$100.00.

Bona fide club.

SEC. 24. Any brewer or beer wholesaler licensed under this act may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar per barrel of thirty-one gallons on sales to licensees within the state and on the sale of bottled beer shall pay a tax on the same basis computed in gallons. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and cancelled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

Brewer: beer may be sold direct to licensee.

Monthly report to board.

Tax.

Revenue stamps.

Sealed barrels or packages.

The above tax shall not apply to "strong beer" as defined in this act.

Strong beer.

SEC. 25. Every winery licensed under this act shall make monthly reports to the board pursuant to the regulations. Such winery shall make no sales of wine within the State of Washington except to the board, or as otherwise provided in this act.

Wineries monthly report.

SEC. 26. Every distillery licensed under this act shall make monthly reports to the board pursuant to

Distillers monthly report.

the regulations. No such distillery shall make any sale of spirits within the State of Washington except to the board.

Licenses not transferable.

SEC. 27. 1. Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the holder thereof allow any other person to use the license.

Investigation of applicants and premises.

2. For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction [construction] and operation of the premises. The board may, in its discretion, grant or refuse the license applied for; and may, from time to time in the exercise of like discretion, after a hearing had and assigning a reason therefor, suspend or cancel any license; and all rights of the licensee to keep or sell beer or other liquors thereunder shall be suspended or terminated as the case may be: *Provided*, That the board shall not sell, or dispose of, nor authorize or license any person to sell or dispose of liquor within 300 feet of a public school.

Board may grant, refuse or cancel licenses.

300 feet of public school.

Notice of suspension.

3. Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or determination of the period of suspension, with a memorandum of the suspension written upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

Expiration of licenses.

4. Unless sooner cancelled, every license issued by the board shall expire at midnight of the thirty-

first day of December in the year for which the license was issued.

5. Every license issued under this section shall be subject to all conditions and restrictions imposed by this act or by the regulations in force from time to time. Subject to restrictions.

6. Every licensee shall post and keep posted its license in a conspicuous place on the premises. Posting.

7. Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within one week after receipt of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the board, after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this act the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns. Notice of application.

8. Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such li- Written objections.

Oral argument.

Granting license.

Duplicate license.

Proximity of schools, churches, etc.

cense with respect to the proximity of churches, schools and public institutions.

Acting
without
license.

SEC. 28. Any person doing any act required to be licensed under this act without having in force a license issued to him under this act shall be guilty of a violation of this act.

Violation.

Municipal-
ties, counties
may not
license or
tax.

SEC. 29. No municipality or county shall have power to license the sale of, or impose an excise tax upon, liquor as defined in this act, or to license the sale or distribution thereof in any manner; and any power now conferred by law on any municipality or county to license premises which may be licensed under this section, or to impose an excise tax upon liquor, or to license the sale and distribution thereof, as defined in this act, shall be suspended and shall be of no further effect: *Provided*, That municipalities and counties shall have power to adopt police ordinances and regulations not in conflict with this act or with the regulations made by the board: *Provided further*, That all licenses now in force in the State of Washington for the sale of beer by the authority of any county, city, or other municipal subdivision in the State of Washington, shall continue in force and effect for a period of sixty days after the effective date of this act and no longer: *And provided further*, That all persons lawfully in possession of any intoxicating liquor at the time this act takes effect shall have sixty (60) days from and after the taking effect of this act in which to dispose of the same.

May adopt
police ordi-
nances not
in conflict.

Licenses in
effect may
continue for
60 days
after effec-
tive date of
act.

Giving away
of liquor
restricted.

SEC. 30. No brewer, distiller, or manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent

a brewer from serving beer without charge on the brewery premises to employees and casual visitors.

SEC. 31. No employee shall sell liquor in any other place, nor at any other time, nor otherwise than as authorized by the board under this act and the regulations.

Employees may sell only as authorized.

SEC. 32. Nothing in this act shall apply to wine or beer manufactured in any home for consumption therein, but not for sale; nor to any liquor in the possession of any person, kept for personal use but not for sale, at the effective date of this act.

Wine or beer manufactured for home consumption exempt.

SEC. 33. 1. No liquor shall be kept or had by any person within the state unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal prescribed under this act, except in the case of

Unlawful possession of liquor defined.

a. liquor imported by the liquor control board; or

b. liquor manufactured in the state for sale to the liquor control board or for export; or

c. beer purchased in accordance with the provisions of this act; or

d. wine, beer or liquor exempted in section 32.

2. To aid in the enforcement of the provisions of this act, search warrants may be issued in connection with violations hereof by any justice of the peace or any superior court judge. A search warrant shall not be issued but upon probable cause, supported by affidavit, naming or describing the person or persons charged with crime and particularly describing the property and the place to be searched. The justice or judge issuing the warrant must, before issuing the same, examine on oath the complainant and any witness he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them. Such affidavits or depositions

Search warrant may issue.

Affidavits.

must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist. If the justice or judge is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he shall issue a search warrant signed by him with his name of office, directed to a civil officer of the State of Washington duly authorized to enforce or assist in enforcing any law thereof, which warrant must state the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding said officer forthwith to search the person or place named, for the property specified, and to bring same before the justice or judge. The officer may break open any outer or inner door or window of a house or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance. The judge or justice must insert a direction in the warrant that it be served in the day time unless the affidavits are positive that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night. Any search warrant issued pursuant to this act must be executed and returned to the judge or justice who issued it within ten days after its date; after the expiration of which term the warrant, unless executed, is void. When an officer takes property under any search warrant pursuant to this act he must give a copy of the warrant together with a detailed receipt for the property taken to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person he must leave a copy of the warrant and such receipt in the place where he found the property.

Search
warrant.

Grounds.

Officer may
break into
buildings.

SEC. 34. Except as permitted by this act, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than ten dollars (\$10).

Misdemeanor to consume liquor in public place.

SEC. 35. No person who is intoxicated shall be or remain in any public place, and every person who violates any provision of this section shall be liable, on conviction for a first offense to a penalty of not more than ten dollars (\$10); for a second offense to a penalty of not more than twenty-five dollars (\$25); and for a third or subsequent offense to imprisonment for not more than thirty days, with or without hard labor, without the option of a fine.

Intoxicated person subject to fine.

SEC. 36. No person shall sell any liquor to any person apparently under the influence of liquor.

Sale to intoxicated persons.

SEC. 37. 1. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

Sale to minors.

2. Every person under the age of twenty-one years who makes application for a permit shall be guilty of an offense against this act.

Application for permit by minor.

SEC. 38. Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this act, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor for or to any one whose permit is suspended or has been cancelled.

Ineligible persons.

Interdicted
person.

SEC. 39. No permit shall be issued to any interdicted person.

Cancelled
permit.

SEC. 40. No person whose permit has been cancelled within the period of twelve months next preceding, or is suspended, shall make application to any employee under this act for another permit.

Suspended
permit.

SEC. 41. No person shall purchase or attempt to purchase liquor under a permit which is suspended, or which has been cancelled, or of which he is not the holder.

Canvassing,
etc., not
permitted.

SEC. 42. No person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor: *Provided*, That nothing in this act shall prevent any brewer, brewery, or wholesaler, by his or its authorized agent, from soliciting orders from holders of licenses to sell beer under section 23 of this act. Nothing in this section contained shall apply to agents dealing with the board or to the receipt or transmission of a telegram or letter by any telegraph agent or operator or post office employee in the ordinary course of his employment as such agent, operator or employee.

Board may
not advertise
liquor.

SEC. 43. The board shall not advertise liquor in any form or through any medium whatsoever. The board shall have power to adopt any and all reasonable regulations as to the kind, character and location of advertising of liquor.

Malt liquor
to be
labelled.

SEC. 44. Every person manufacturing or distributing malt liquor for sale within the state shall put upon all packages containing malt liquor so manufactured or brewed a distinctive label showing the nature of the contents, the name of the person by whom the malt liquor is manufactured or brewed, the place where the malt liquor was brewed, and showing the maximum alcoholic content of such malt liquor. For the purpose of this section, the con-

tents of packages containing malt liquor shall be shown by the use of the word "beer," "ale," "stout," or "porter," on the outside of all packages.

SEC. 45. Every person manufacturing or distributing wine, shall put upon all packages a distinctive label showing the nature of the contents and the name of the person by whom the wine was manufactured, the place where the wine was manufactured, showing the maximum alcoholic content of such wine.

Wine to be labelled.

SEC. 46. Every person manufacturing spirits as defined in this act shall put upon all packages containing spirits so manufactured a distinctive label, showing the nature of the contents, the name of the person by whom the spirits were manufactured, the place where the spirits were manufactured, and showing the alcoholic content of such spirits. For the purpose of this section the contents of packages containing spirits shall be shown by the use of the words "whiskey," "rum," "brandy," and the like, on the outside of such packages.

Spirits to be labelled.

SEC. 47. No person other than an employee of the board shall keep or have in his possession any official seal prescribed under this act, unless the same is attached to a package which has been purchased from a vendor or store employee; nor shall any person keep or have in his possession any design in imitation of any official seal prescribed under this act, or calculated to deceive by its resemblance thereto, or any paper upon which any design in imitation thereof, or calculated to deceive as aforesaid, is stamped, engraved, lithographed, printed or otherwise marked.

Use or imitation of official seal punishable.

Every person who wilfully violates any provision of this section shall be guilty of a gross misdemeanor and shall be liable on conviction thereof for a first offense to imprisonment in the county jail

Penalty.

for a period of not less than three months nor more than six months, without the option of the payment of a fine; for a second offense, to imprisonment in the county jail for not less than six months nor more than one year, without the option of the payment of a fine; for a third offense or subsequent offenses to imprisonment in the state penitentiary for not less than one year nor more than two years.

Sale to board.

SEC. 48. Nothing in this act shall apply to or prevent the sale of liquor by any person to the board.

Licensed manufacturer may store liquor.

SEC. 49. 1. Nothing in this act shall prevent any person licensed to manufacture liquor from keeping liquor in his warehouse or place of business.

Interstate transactions protected.

2. Nothing in this act shall prevent the transshipment of liquor in interstate and foreign commerce; but no person shall import liquor into the state from any other state or country, except, as herein otherwise provided, for use or sale in the state, except the board.

Legislative power.

3. Every provision of this act which may affect transactions in liquor between a person in this state and a person in another state or in a foreign country shall be construed to affect such transactions so far only as the legislature has power to make laws in relation thereto.

Certain preparations exempted.

SEC. 50. 1. Nothing in this act shall apply to or prevent the sale, purchase or consumption

a. of any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the Pharmacopeia of the United States, or the Dispensatory of the United States; or

b. of any proprietary or patent medicine; or

c. of wood alcohol or denatured alcohol, except in the case of the sale, purchase, or consumption of wood alcohol or denatured alcohol for beverage pur-

poses, either alone or combined with any other liquid or substance.

SEC. 51. 1. Where a medicinal preparation contains liquor as one of the necessary ingredients thereof, and also contains sufficient medication to prevent its use as an alcoholic beverage, nothing in this act shall apply to or prevent its composition or sale by a druggist when compounded from liquor purchased by the druggist under a special permit held by him, nor apply to or prevent the purchase or consumption of the preparation by any person for strictly medicinal purposes.

Preparations
not usable as
beverages
excepted.

Medicinal.

2. Where a toilet or culinary preparation, that is to say, any perfume, lotion, or flavoring extract or essence, contains liquor and also contains sufficient ingredient or medication to prevent its use as a beverage, nothing in this act shall apply to or prevent the sale or purchase of that preparation by any druggist or other person who manufactures or deals in the preparation, nor apply to or prevent the purchase or consumption of the preparation by any person who purchases or consumes it for any toilet or culinary purpose.

Toilet or
culinary.

3. In order to determine whether any particular medicinal, toilet, or culinary preparation referred to in this section contains sufficient ingredient or medication to prevent its use as an alcoholic beverage, the board may cause a sample of the preparation, purchased or obtained from any person whomsoever, to be analyzed by an analyst appointed or designated by the board; and if it appears from a certificate signed by the analyst that he finds the sample so analyzed by him did not contain sufficient ingredient or medication to prevent its use as an alcoholic beverage, the certificate shall be conclusive evidence that the preparation, the sample of which was so analyzed, is not a preparation the sale or purchase of which is permitted by this section.

Analysis.

Licensed premises shall be open to inspection.

SEC. 52. 1. All licensed premises used in the manufacture, storage, or sale of liquor shall at all times be open to inspection by any inspector or peace officer in order to ascertain whether any infraction of any of the provisions of this act or the regulations has taken place or is taking place therein.

Failure to permit inspection.

2. Every person, being on any such licensed premises and having charge thereof, who refuses or fails to admit an inspector or peace officer demanding to enter therein in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or officer of the peace, or who refuses to allow an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this act or the regulations, shall be guilty of a violation of this act.

Habitual drunkards may be interdicted.

SEC. 53. Whenever any person shall have been declared an habitual drunkard by virtue of sections 1708-1715, Rem. Rev. Stat., the court declaring such person an habitual drunkard shall, at the same time, make an order directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him until further order; and the court shall cause a certified copy of the order to be forthwith filed with the board, and the officer making and transmitting such certified copy shall make no charge therefor. Upon receipt of the order of interdiction, the board shall cancel any permit held by the interdicted person.

Interdiction may be revoked.

SEC. 54. Whenever any order declaring a person to be an habitual drunkard shall have been annulled and vacated by the court by virtue of section 1715, Rem. Rev. Stat., the judge of said court shall also file an order with the board revoking the former order of interdiction; and upon the filing of the

order of revocation, the interdicted person shall be restored to all his rights under this act.

SEC. 55. In every case in which liquor is seized by a sheriff or constable of any county or by a police officer of any municipality or by a member of the Washington state patrol, or any other authorized peace officer or inspector, it shall be the duty of the sheriff of the county or chief of police of the municipality, or the chief of the Washington state patrol, as the case may be, to forthwith report in writing to the board the particulars of such seizure, and to immediately deliver over such liquor to the board at such place as may be designated by it.

Seized
illegal
liquor.

SEC. 56. 1. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this act, the board, or any person appointed by it in writing for the purpose, may inspect the books and records of

Board has
power to
inspect books
and records.

a. any manufacturer;
b. any license holder;
c. any drug store holding a permit to sell on prescriptions;

d. the freight and express books and records and all waybills, bills of lading, receipts and documents in the possession of any common carrier doing business within the state, containing any information or record relating to any goods shipped or carried, or consigned or received for shipment or carriage within the state. Every common carrier, and every owner or officer or employee of such common carrier, who neglects or refuses to produce and submit for inspection any book, record or document referred to in this section when requested to do so by the board or by a person so appointed by it shall be guilty of a violation of this act.

Records of
common
carriers.

SEC. 57. In describing the offense respecting the sale, or keeping for sale or other disposal, of liquor, or the having, keeping, giving, purchasing or con-

Describing
offenses.

sumption of liquor in any information, summons, conviction, warrant, or proceeding under this act, it shall be sufficient to simply state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, without stating the name or kind of such liquor or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Description of offense in words of act sufficient.

SEC. 58. The description of any offense under this act, in the words of this act, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offense in this act, may be proved by the defendant, but need not be specified or negatived in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Proof of one unlawful sale sufficient.

SEC. 59. In any proceeding under this act, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this act.

Prima facie evidence.

SEC. 60. A certificate, signed by any person appointed or designated by the board in writing as an analyst, as to the percentage of alcohol contained in any liquid, drink, liquor, or combination of liquors, when produced in any court or before any court shall be prima facie evidence of the percentage of alcohol contained therein.

SEC. 61. In all prosecutions, actions, or proceedings under the provisions of this act against a corporation, every summons, warrant, order, writ or other proceeding may be served on the corporation in the same manner as is now provided by law for service of civil process.

Processes as
in civil
actions.

SEC. 62. Save as in this act otherwise provided the action, order or decision of the board as to any permit or license shall be final and shall not be reviewed or restrained by injunction, prohibition or other process or proceeding in any court or be removed by certiorari or otherwise into any court.

Action of
board final.

SEC. 63. There shall be a board, known as the "Washington State Liquor Control Board," consisting of three members, to be appointed by the Governor, who shall each be paid an annual salary, to be fixed by the Governor, not to exceed \$4,500.00; not more than two of whom shall belong to any one political party. 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.

"Washington
State Liquor
Board."

Members.

Salaries.

Board
nonpartisan.

Quorum.

SEC. 64. 1. The members of the first board to be appointed after the taking effect of this act shall be appointed for terms beginning at the effective date of this act and expiring as follows: One member of the board for a term of three years from the date of his appointment; one member of the board for a term of six years from the date of his appointment; and one member of the board for a term of nine years from the date of his appointment. Each of the members of the first board appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the term of any of the three members of the board first to be appointed as aforesaid, each succeeding member of the board shall be appointed and hold office for the term of

Terms
vary.

Vacancy. nine years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by appointment by the Governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the board shall impair the right of the remaining member or members to act, except as herein otherwise provided.

Board office
at state
capital.

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

Vetoed. } 3. Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the Governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the board by the tribunal shall disqualify such member for reappointment.

Member
shall not
hold other
public
office.

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

Bond.

state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the board.

SEC. 65. The board may employ such number of employes as in its judgment are required from time to time for the purposes of this act, at such rates of salaries or wages as are fixed by the regulations; and any employee so employed may be dismissed or removed by the board at its pleasure; honorably discharged union soldiers and sailors, and honorably discharged soldiers and sailors of any war between this country and any foreign country shall be given preference for the appointment and employment.

Board may employ others.

Fix salaries.

SEC. 66. The attorney general shall be the general counsel of the liquor control board and it shall be his duty to institute and prosecute all actions and proceedings which may be necessary in the enforcement and carrying out of the provisions of this act, and it shall be the duty of the attorney general to assign such assistants as may be necessary to the exclusive duty of assisting the liquor control board in the enforcement of this act. The salaries of said assistants shall be paid out of the liquor control revolving fund.

Attorney general legal adviser of board.

SEC. 67. 1. Every order for the purchase of liquor shall be authorized by the board, and no order for liquor shall be valid or binding unless it is so authorized and signed by any two members of the board.

Liquor orders must be signed by members.

2. A duplicate of every such order shall be kept on file in the office of the board.

Duplicate orders.

3. All cancellations of such orders made by the board shall be signed in the same manner and duplicates thereof kept on file in the office of the board. Nothing in this act shall be construed as preventing the board from accepting liquor on consignment.

Cancellation of orders.

Liquor on consignment.

Board members and employees may not have interest in liquor.

SEC. 68. No member of the board and no employee of the board shall have any interest, directly or indirectly, in the manufacture of liquor or in any liquor sold under this act, or derive any profit or remuneration from the sale of liquor, other than the salary or wages payable to him in respect of his office or position, and shall receive no gratuity from any person in connection with such business.

Board given specific powers to determine localities.

SEC. 69. 1. The board, subject to the provisions of this act and the regulations, shall

a. determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

Appoint liquor vendors.

aa. to appoint in incorporated cities and towns, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this act as the board may require;

Establish warehouses.

b. establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this act;

Lease premises for conduct of business.

c. provide for the leasing for one year, subject to right of renewal for not more than five years, in the name and on behalf of the state, of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

Select packages used for liquor.

d. determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this act;

e. execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

Execute contracts.

f. pay all customs duties, excises, charges and obligations whatsoever relating to the business of the board;

Pay customs duties.

g. require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

Require bonds.

h. perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this act, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Subject to audit by state auditor.

SEC. 70. 1. The board may, in its discretion, secure the assistance of the Washington state patrol in the enforcement of the penal provisions of this act and the regulations of the board; and the Washington state patrol is authorized and directed to give such assistance to such board. The costs and expenses, including salaries, of such members of said patrol during such period of service shall be paid by the board.

Enforcement.

Washington state patrol.

2. Where any action or proceedings are brought or taken by the board, or by any of its employes, or by any officer of the Washington state patrol for the enforcement of any of the provisions of this act within the state, the board may pay such amount of costs and expenses necessarily incurred therein as it determines. All state, county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this act, and all fines imposed for violations of this act shall belong to the county, city or town wherein the court imposing the fine is located.

Costs and expenses.

Fines.

State auditor
to audit
books of
board.

SEC. 71. The state auditor shall, at least twice each year, audit the books, records and affairs of the board, and such audits shall be construed a public record of the State of Washington.

Board shall
report to
Governor.

SEC. 72. The board shall, from time to time, make reports to the Governor covering such matters in connection with the administration and enforcement of this act as he may require, and the board shall prepare and forward to the Governor annually, to be laid before the legislature, a report for the twelve months ending on the 31st day of December of the year with respect to which the report is made, which report shall be a public document, and contain

Financial
statement.

a. A detailed financial statement and balance sheet showing the condition of the business and its operation during the year; such statement shall show in detail the price paid for all liquor purchased, showing the amount of each purchase and the price thereof;

b. A statement of the nature and amount of the business transacted by each vendor under this act during the year covered by this report;

c. A summary of all prosecutions for infractions of this act, and the results of the same;

d. General information and remarks as to the working of the act within the state; and

e. Any further information requested by the Governor.

"Liquor
revolving
fund."

SEC. 73. For the purpose of carrying out the provisions of this act, there is hereby created a fund, to be 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 under this act. None of the provisions of section 5501, Rem. Rev. Stat., shall be applicable to such fund nor to any of the moneys received or collected by the board.

SEC. 74. All expense whatsoever arising under the administration of this act, including the payment of the salaries of the members of the board and its employees, such sums as shall be certified by the state auditor in respect of the auditing of the accounts of the board and the certification of its balance sheets, customs duties, excises and all expenditures incurred in establishing, maintaining and operating state liquor stores, and of conducting the business of the board shall be paid from said liquor revolving fund.

Expenses to be certified by auditor.

All moneys shall be paid from the liquor revolving fund by check or voucher in such form and in such manner as shall be prescribed in the regulations.

Payment.

SEC. 75. The liquor revolving fund shall be deposited by the board in such banks and financial institutions as it may select throughout the State of Washington, which banks and financial institutions shall give to the board surety bonds executed by surety companies authorized to do business in the State of Washington, 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.

Revolving fund depositaries.

Depository bond.

All moneys received by the board or any employee under this act, except an amount of petty cash for each day's needs as fixed by the regulations, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the board under the terms of this section.

Daily receipts.

SEC. 76. For the purpose of providing the necessary moneys to carry this act into effect the board is authorized to issue and sell bonds of the board, payable only out of the liquor revolving fund, in the amount of one million five hundred thousand dollars (\$1,500,000.00). The terms, issuance, sale and retirement of such bonds shall be under the general

Board may issue bonds.

Amount \$1,500,000.00.

Control of
joint
committee.Title of
bonds.Method of
payment.6½ %
interest.

Registered.

Sale.

Bonds legal
investment
for banks.

supervision and control of the board and the state finance committee and the membership of such two boards shall constitute a joint committee and the majority of the membership of such joint committees shall control; such bonds to be known as "Liquor Revenue Bonds of the Washington State Liquor Control Board." The board may in its discretion provide for the issuance of coupons or registered bonds. The bonds shall be signed by the chairman and the secretary of the board, under seal of the board, and any coupons attached to such bonds shall be signed by the facsimile signature of the secretary. Each such bond may be made payable at any time not exceeding five years from the date of its issuance, with such reserved rights of prior redemption as the board may prescribe, to be specified therein. Such bonds shall be sold so as to yield a rate of interest of not more than 6½ per cent per annum, as computed by standard bond tables commonly in use by insurance companies, banks and other financial institutions. Any bond may be registered, as to principal only, in the name of the holder, on presentation to the board, under such regulations as the board may prescribe. Each bond and interest coupon attached shall show upon its face that it is payable solely from the liquor revolving fund and not otherwise, and that neither the State of Washington nor the board nor any member thereof shall incur any liability or obligation by reason of the authority granted in this section. The bonds shall be payable at such place or places as the board may provide, and shall be in such denominations as may be prescribed by the board. All bonds issued under the provisions of this act may be sold in such manner and in such amounts and at such times and on such terms and conditions as the board may prescribe.

Bonds issued under the provisions of this act shall be a legal investment for any of the funds of

savings banks, mutual savings banks, savings and loan associations and insurance companies, and shall be accepted at par as collateral security by all public depositories of the state, or of any of the subdivisions thereof. Bonds issued under the provisions of this act shall be exempt from all taxes levied by the state and any municipal subdivision thereof.

Bonds
exempt from
tax levy.

Said bonds shall be retired as to principal in an amount of not less than three hundred thousand dollars (\$300,000.00) per year and shall be redeemable, under regulations prescribed by the board, on any interest payment date prior to maturity, upon payment of the principal thereof, plus accrued interest and a premium of \$3.00 on each \$100.00 thereof.

Retirement.

No distribution of any sums from the liquor revolving fund shall be made to the state and the municipalities thereof as provided in sections 77 and 78 unless there shall be moneys in said liquor revolving fund after setting aside and reserving the following:

a. An amount sufficient to pay the principal and interest to become payable on said bonds during the then current year;

b. A cash reserve of \$500,000.00 over and above all other assets.

Reserve
set up.

If, while any of the said bonds remain outstanding, the state shall determine to abandon the operation of state stores as in this act provided, the proceeds of the sale of its entire stock of liquors and all assets under the control of said board shall be first applied to the retirement of the bonds then outstanding, with accrued interest and premium thereon as above provided, before any of such proceeds are distributed as otherwise fixed in this act.

Abandon-
ment of
state stores.

SEC. 77. Whenever there shall be in the liquor revolving fund moneys in excess of the amount specified in section 76 hereof, such moneys shall, from time to time and at least once every three months,

Board may
distribute
excess funds.

be distributed by said board in accordance with section 78 hereof.

Basis of
distribution
fixed.

SEC. 78. 1. When said funds are distributed as provided in section 77 hereof all moneys subject to distribution shall be disbursed as follows:

General
fund.

Thirty per cent (30%) to the general fund of the state;

Old age
pension.

Counties,
cities and
towns.

Twenty per cent (20%) to the several counties of the state, ratably, on the basis of the population, according to the latest federal census, said twenty per cent (20%) to be placed in the county old age pension fund and used exclusively for payment of old age pensions; and fifty per cent (50%) to the counties and incorporated cities and towns of the state, distributed among them pursuant to the provisions hereafter made in this section.

Apportion-
ment.

2. With respect to the share coming to the counties and incorporated cities and towns under the preceding subsection, the distribution shall be among them in accordance with the following computations:

a. First, the share coming to each county as a whole shall be determined by a division among the counties entitled to distribution hereunder according to the population of the areas in such counties allowing the sale of liquor under this act as shown by the last federal census; that is to say, the share coming to each county entitled to distribution hereunder shall be in the proportion which the population of the areas allowing the sale of liquor under this act in such county bears to the aggregate population of all the counties entitled to distribution hereunder.

b. Second, the share coming to each county as a whole, as the result of the foregoing computation, shall then be divided between each county government and the incorporated cities and towns located in such county according to the population shown by the last federal census; that is to say, the share

coming to each incorporated city or town shall be in the proportion which the population in such incorporated city or town, as shown by the last federal census, bears to the total population within the county, as shown by the last federal census; and the county government's share shall be based upon that proportion of the population within such county as is not included in the incorporated cities and towns located in such county: *Provided*, That no incorporated city or town in which the sale of liquor as authorized under this act is forbidden under sections 82 to 88 inclusive of this act shall be entitled to any share in such distribution: *Provided, further*, That if in any county the area outside of the cities and towns therein shall vote not to allow the sale of liquor under this act in such area, then the population of such area shall not be included in the computation of the population for distribution purposes.

Exception to apportionment.

3. The computations under subsection 2 of this section shall be made by the state auditor, who shall, immediately after the effective date of this act and immediately following the official publication of every federal census and so often as necessary by reason of elections held under sections 82 to 88 of this act, file with the board a list certified by him showing the fractional proportions, in terms of per cent or otherwise, coming to each county government and incorporated city and town in the state pursuant to this section; and the board shall make payment to each of said counties and incorporated cities and towns in the proportions shown on the certified list last filed with it by the state auditor under this section.

Computations made by state auditor.

SEC. 79. 1. For the purpose of carrying into effect the provisions of this act according to their true intent or of supplying any deficiency therein, the board may make such regulations not inconsistent

Board has power to make regulations as to.

with the spirit of this act as are deemed necessary or advisable. All regulations so made shall be a public record and filed in the office of the secretary of state, together with a copy of this act, shall forthwith be published in pamphlets, which pamphlets shall be distributed free at all liquor stores and as otherwise directed by the board, and thereupon shall have the same force and effect as if incorporated in this act.

2. Without thereby limiting the generality of the provisions contained in subsection (1), it is declared that the power of the board to make regulations in the manner set out in that subsection shall extend to

Equipment and management of stores and warehouses.

a. regulating the equipment and management of stores and warehouses in which state liquor is sold or kept, and prescribing the books and records to be kept therein and the reports to be made thereon to the board;

Duties of employees.

b. prescribing the duties of the employes of the board, and regulating their conduct in the discharge of their duties;

Purchase of liquor.

c. governing the purchase of liquor by the state and the furnishing of liquor to stores established under this act;

Brands of liquor.

d. determining the classes, varieties, and brands of liquor to be kept for sale at any store;

Store hours.

e. prescribing, subject to section 11, the hours during which the state liquor stores shall be kept open for the sale of liquor;

Price lists.

f. providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this act;

Official seals and labels.

g. prescribing an official seal and official labels and stamps and determining the manner in which they shall be attached to every package of liquor sold or sealed under this act, including the prescribing of different official seals or different official labels for different classes of liquor;

- h. providing for the payment by the board in whole or in part of the carrying charges on liquor shipped by freight or express; Payment of freight charges.
- i. prescribing forms to be used for purposes of this act or the regulations, and the terms and conditions to be contained in permits and licenses issued under this act; Forms.
- j. prescribing the fees payable in respect of permits and licenses issued under this act for which no fees are prescribed in this act, and prescribing the fees for anything done or permitted to be done under the regulations; Licenses and permit fees.
- k. prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same shall be kept and disposed of, and providing for the inspection of the same at any time at the instance of the board; Quantities of liquor.
- l. regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale; Sale of liquor by licensee.
- m. prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept; Sales records.
- n. prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period; Prescriptions.
- o. prescribing the manner of giving and serving notices required by this act or the regulations, where not otherwise provided for in this act; Serving notice.
- p. regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the Exportation.

premises and the books, records and the liquor so kept;

Club licenses. q. prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

License to sell beer and wines. r. prescribing the conditions, accommodations and qualifications requisite for the obtaining of licenses to sell beer and wines, and regulating the sale of beer and wines thereunder;

Regulating delivery. s. specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers shall deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

Brewers' returns. t. providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

Returns of wholesalers of beer. u. providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

Returns by manufacturers. v. providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

Employees' bonds. w. providing for the giving of fidelity bonds by any or all of the employes of the board: *Provided,*

That the premiums therefor shall be paid by the board;

x. providing for the shipment by mail or common carrier of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this act, prohibited the sale of liquor therein.

Shipment by mail to permit holder.

SEC. 80. Every member of the board, and every employee authorized by the board to issue permits under this act may administer any oath and take and receive any affidavit or declaration required under this act or the regulations.

Administration of oath.

SEC. 81. The prosecuting attorney in each county shall send to the board, at the end of each year, a written report of all prosecutions brought under this act in the county during the preceding year, showing in each case the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding.

Prosecutions to be reported.

In each municipality having a police court, the judge of said court shall send to the board a like annual report in respect of prosecutions brought under this act therein.

SEC. 82. For the purpose of an election upon the question of whether the sale of liquors shall be permitted as hereinafter provided, the election unit shall be any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns.

Election to vote on local option.

Unit election.

SEC. 83. Within any unit referred to in section 82, upon compliance with the conditions hereinafter prescribed, there may be held, at the time and as a part of any general election, an election upon the question of whether the sale of liquor shall be permitted within such unit; and in the event that any such election is held in any such unit, no other elec-

Unit election to be held at general election.

tion under this section shall be held prior to the next succeeding general election.

Election on
petition.

SEC. 84. Any unit referred to in section 82 may hold such election upon the question of whether the sale of liquor shall be permitted within the boundaries of such unit, upon the filing with the county auditor of the county within which such unit is located, of a petition subscribed by qualified electors of the unit equal in number to at least thirty per cent of the electors voting at the last general election within such unit. Such petition shall designate the unit in which the election is desired to be had, the date upon which the election is desired to be held, and the question that is desired to be submitted. The persons signing such a petition shall state their post office address, the name or number of the precinct in which they reside, and in case the subscriber be a resident of a city, the street and house number, if any, of his residence, and the date of signature. Said petition shall be filed not less than sixty days nor more than ninety days prior to the date upon which the election is to be held. No signature shall be valid unless the above requirements are complied with, and unless the date of signing the same is less than ninety days preceding the date of filing. No signature shall be withdrawn after the filing of such petition. Such petition may consist of one or more sheets and shall be fastened together as one document, filed as a whole, and when filed shall not be withdrawn or added to. Such petition shall be a public document and shall be subject to the inspection of the public. Upon the request of anyone filing such a petition and paying, or tendering to the county auditor one dollar for each hundred names, or fraction thereof, signed thereto, together with a copy thereof, said county auditor shall immediately compare the original and copy and attach to such copy and deliver to such person his official certificate

that such copy is a true copy of the original, stating the date when such original was filed in his office; and said officer shall furnish, upon the demand of any person, a copy of said petition, upon payment of the same fee required for the filing of original petitions.

SEC. 85. Upon the filing of a petition as hereinbefore provided, the county auditor with whom it is filed shall cause the names on said petition to be compared with the names on the voters' official registration records provided for by law with respect to such unit. The officer or deputy making the comparison shall place his initials in ink opposite the signatures of those persons who are shown by such registration records to be legal voters and shall certify that the signatures so initialed are the signatures of legal voters of the State of Washington and of said unit, and shall sign such certificate. In the event that said petition, after such comparison, shall be found to have been signed by the percentage of legal voters of said unit referred to in section 84, the question shall be placed upon the ballot at the next general election.

Check of petitions by county auditor.

SEC. 86. Upon the ballot to be used at such general election the question shall be submitted in the following form:

Form of ballot prescribed.

“Shall the sale of liquor be permitted within(here specify the unit in which election is to be held).” Immediately below said question shall be placed the alternative answers, as follows:

“For sale of liquor.....()

“Against sale of liquor.....().”

Each person desiring to vote in favor of permitting the sale of liquor within the unit in which the election is to be held shall designate his choice beside the words “For sale of liquor,” and those

desiring to vote against the permitting of the sale of liquor within such unit shall designate their choice beside the words "Against sale of liquor," and the ballots shall be counted accordingly.

Canvass of election returns.

SEC. 87. The returns of any such election shall be canvassed in the manner provided by law. If the majority of qualified electors voting upon said question at said election shall have voted "For sale of liquor" within the unit in which the election is held, the sale of liquor may be continued in accordance with the provisions of this act. If the majority of the qualified electors voting on such question at any such election shall vote "Against sale of liquor," then, within thirty days after such canvass no sale or purchase of liquor, save as herein provided, shall be made within such unit until such permission so to do be subsequently granted at an election held for that purpose under the provisions of this act.

Majority vote against sale of liquor.

SEC. 88. Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "Against sale of liquor," the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and thereafter, except as hereinafter provided, it shall not be lawful for a liquor store to be operated therein nor for licensees to maintain and operate licensed premises therein except as hereinafter provided:

Stores discontinued within 30 days.

a. As to any stores maintained by the board within any such unit at the time of such licensing, the board shall have a period of thirty days from and after the date of the canvass of the vote upon such election to continue operation of its store or stores therein.

b. As to any premises licensed hereunder within any such unit at the time of such election, such li-

censee shall have a period of sixty days from and after the date of the canvass of the vote upon such election in which to discontinue operation of its store or stores therein.

Licenses to discontinue operations within 60 days.

c. Nothing herein contained shall prevent any distillery, brewery, rectifying plant or winery or the licensed operators thereof from selling its manufactured product, manufactured within such unit, outside the boundaries thereof.

Brewers and distillers may operate.

d. Nothing herein contained shall prevent any person residing in any unit in which the sale of liquor shall have been forbidden by popular vote as herein provided, who is otherwise qualified to receive and hold a permit under this act, from lawfully purchasing without the unit and transporting into or receiving within the unit, liquor lawfully purchased by him outside the boundaries of such unit.

Person may hold permit.

SEC. 89. All records whatsoever of the board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the state auditor, shall not be permitted to be inspected by any person whatsoever, except by employes of the board to the extent permitted by the regulations; and no member of the board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereto which shall make known the name of any individual purchaser shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession of and/or sale of liquor. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Record of individual purchases confidential.

SEC. 90. No manufacturer or wholesaler, or person, financially interested, directly or indirectly, in such business, whether resident or nonresident, shall

Persons interested in store locations shall have no liquor interests.

have any financial interest, direct or indirect, in any business licensed under section 23, subsections 4, 5 or 6, nor shall any manufacturer own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer has any interest, nor shall any manufacturer advance moneys to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money. No manufacturer or wholesaler shall be eligible to receive or hold a retail license under this act, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined.

Manufacturer or wholesaler may not hold retail license.

Violations.

SEC. 91. Every person who violates any provision of this act or the regulations shall be guilty of a violation of this act, whether otherwise declared or not.

Violation of act a misdemeanor.

SEC. 92. 1. Every person who violates the provisions of section 28 shall be guilty of a gross misdemeanor.

2. Every person who shall sell by the drink or bottle, any liquor other than beer and wines as defined in this act, shall be guilty of a gross misdemeanor.

3. Except as otherwise provided in this act, every person who shall sell any liquor, other than beer, by the bottle or package, or who shall own or operate any still shall be guilty of a gross misdemeanor.

4. A gross misdemeanor and the penalty therefor shall be as otherwise provided by the laws of this state.

General penalties prescribed.

SEC. 93. Every person guilty of a violation of this act for which no penalty has been specifically provided shall be liable, on conviction, for a first

offense to a penalty of not more than three hundred dollars, or to imprisonment for not more than two months, with or without hard labor, or both; for a second offense to imprisonment for not more than six months, with or without hard labor; and for a third or subsequent offense to imprisonment for not more than one year, with or without hard labor. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than two thousand dollars, and for a second or subsequent offense to a penalty of not more than three thousand dollars, or to forfeiture of its corporate license, or both.

SEC. 94. If any clause, part or section of this act shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the act, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this act shall be held to impair the obligation of contract, or to deny to any person any right or protection secured to him by the constitution of the United States of America, or by the constitution of the State of Washington, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this act, the remainder of the act would nevertheless have been adopted without such and any and all such invalid clauses, parts or sections.

Invalidity of part not to affect balance.

SEC. 95. Nothing in this act shall be construed to amend or repeal chapter 2 of the Laws of 1933, or any portion thereof.

Existing law.

SEC. 96. This act is necessary for the immediate preservation of the public peace, health and safety,

Effective immediately.

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

Passed the Senate January 12, 1934.

Passed the House January 12, 1934.

Approved by the Governor January 23, 1934, with the exception of item 3, of section 64, which is vetoed.

CHAPTER 63.

[H. B. 57.]

ADDITIONAL JUDGES FOR KING COUNTY.

AN ACT providing for two additional judges of the superior court of the State of Washington, in and for King county, and for their appointment and election and declaring that this act shall take effect immediately.

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

Number of judges.

SECTION 1. That hereafter there shall be fifteen judges of the superior court of the State of Washington, in and for King county.

Additional judges appointed.

SEC. 2. The Governor shall, upon the taking effect of this act, appoint two additional judges for the said superior court of King county, who shall hold their office from the time of their appointment until their successors are elected and qualified, which said successors shall be elected at the general election to be held in November, 1934, to serve until the second Monday in January, 1937: *Provided*, That the successors so elected shall not be entitled to qualify until the second Monday in January, 1935; and, commencing with the second Monday in January, 1937, the succeeding terms of judges under this act shall be four years.

Term.

Successors.

Term.

Chapter 155, Laws of 1927.

SEC. 3. For the purpose of any election provided for in this act and of chapter 155 of the Laws of 1927 relating to the nomination and election of

judges, there shall be definitely numbered positions for the judgeships provided for in this act, which numbers shall run from fourteen (14) upward, and said judgeships shall be thereby distinguished as the judgeships which are created by this act.

Definitely
numbered
positions.

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

Effective
immediately.

Passed the House January 4, 1934.

Passed the Senate January 3, 1934.

Approved by the Governor January 24, 1934.

AUTHENTICATION.

I, Ernest N. Hutchinson, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Twenty-third Legislative Session of the State of Washington, in Extraordinary Session, held from December 4, 1933, until January 12, 1934, inclusive, with the original enrolled laws, now on file in this office, and declare the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], in each case as provided by law.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this 26th day of February, 1934.



Ernest N. Hutchinson
Secretary of State.

JOINT AND CONCURRENT RESOLUTIONS OF THE SENATE AND HOUSE

(Minor Resolutions and Memorials, of no public importance,
are not printed herein.)

SENATE JOINT RESOLUTION NO. 6.

WHEREAS, Present office space at the state capitol is inadequate to properly care for state departments and commissions whose principal business should be conducted from the state capitol, and

WHEREAS, No funds are available with which to construct additional permanent building or buildings, and

WHEREAS, The Civil Works Administration of the United States has agreed to assign sufficient number of skilled and unskilled men, including necessary architects, engineers and supervisors, and to furnish materials necessary to construct one fireproof office building of a type and design to conform generally to present permanent capitol buildings,

Now, Therefore, The Department of Business Control is hereby authorized and directed to complete negotiations with the said Civil Works Administration of the United States for construction of one office building in accordance with plans and specifications to be approved by the State Capitol Committee, such building to be constructed on capitol grounds upon site to be approved by the State Capitol Committee. Said building shall be designed to conform generally to present permanent Capitol buildings and all structural features shall be designed to permit future application of permanent finish to conform to permanent buildings,

And Provided, Further, That the Department of Business Control is hereby granted authority to make a request and complete negotiations with said Civil Works Administration for additional funds for the purpose

of constructing and completing a building upon said grounds to house the state printing plant in accordance with plans and specifications to be approved by the State Capitol Committee.

Adopted by the Senate December 13, 1933.

Adopted by the House December 14, 1933.

SENATE JOINT RESOLUTION NO. 16.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

WHEREAS, devastating floods have occurred in the State of Washington during the month of December, 1933, resulting in vast and unparalleled destruction of property of the people; and,

WHEREAS, such a disaster has caused untold suffering, hardship, destitution and unemployment among the citizens of the devastated areas and imperils the existence of the communities affected; and,

WHEREAS, such citizens must have aid and assistance to rehabilitate and establish themselves; and,

WHEREAS, the resources of unorganized and organized relief for such rehabilitation are insufficient to care for the sufferers in said areas and it thereby becomes an obligation of the state; now, therefore,

Be It Resolved, That the Emergency Relief Administration of the State of Washington is hereby directed and authorized to allocate to the respective counties requiring such relief so much of the sum of two hundred and fifty thousand (\$250,000.00) dollars as is necessary in the judgment of the board to aid in the relief of said suffering and rehabilitation of said citizens.

Adopted by the Senate December 29, 1933.

Adopted by the House December 29, 1933.

SENATE JOINT MEMORIAL NO. 6.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress Assembled:

We, your memorialists, the Senate and House of Representatives of the State of Washington, in special legislative session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, The Congress has provided funds for the refinancing of distressed levee, diking, drainage and irrigation districts of various states through the Reconstruction Finance Corporation; and,

WHEREAS, The State of Washington, alone of the states of the Union has provided a limited fund for the same purpose and also for the reconstruction and rehabilitation of the works of such districts and has already in part financed the construction of many districts, the work being done under state supervision, and in many districts further expenditures are needed for the refinancing of indebtedness or for the replacement of worn out structures, or for both of such purposes; and,

WHEREAS, In many of such cases it is more practicable for the state to complete necessary refinancing and necessary reconstruction rather than to have the necessary refinancing done directly by the Reconstruction Finance Corporation or other agency of the federal government; and,

WHEREAS, The State of Washington has made all reasonable effort to increase the state fund for such purposes but will be unable to increase it in sufficient amount for the purposes herein disclosed except by the assistance hereinafter prayed for; and,

WHEREAS, The appropriation hereinafter prayed for would not increase the amount of money required for such work in this state from the federal government, as such work would otherwise necessarily be done so

far as possible with financial aid from the Reconstruction Finance Corporation; and,

WHEREAS, The State of Washington has in its reclamation fund approximately \$1,500,000 of bonds of reclamation districts of the state, received in payment for its services, and is receiving more such bonds from time to time; now,

Therefore, Your memorialists do most earnestly pray that your honorable body make an appropriation from the Reconstruction Finance Corporation or other governmental agency, with which to purchase bonds of the State Reclamation Revolving Fund of the State of Washington, to the amount of two million dollars (\$2,000,000) and thus augment said fund by such amount; the rate to be paid by the state on such loan to be the same rate as has been charged by the state to the various districts in their respective bond issues.

Be It Further Resolved, That this memorial be immediately forwarded to the State of Washington's senators and representatives in Congress.

Passed the Senate December 16, 1933.

Passed the House December 21, 1933.

SENATE JOINT MEMORIAL NO. 7.

To the Honorable, the Senate and House of Representatives of the United States of America in Congress Assembled:

We, Your memorialists, the Senate and House of Representatives of the State of Washington, in extraordinary session assembled, most respectfully represent and petition your honorable body as follows:

WHEREAS, The forests are being cut and removed from the mountainous watersheds of the western slope of the Cascade mountain range, and the unrestrained flow of rainfall does vast damage to the Nooksack,

Skaggit [Skagit], Stillaguamish, Snohomish, Green River, White River, Stuck River, Puyallup, Nisqually, Des Chutes, Chehalis, Cowlitz, Toutle, Snoqualmie, Dungeness, Skokomish, and Lewis valleys which comprise the western half of the State of Washington and,

WHEREAS, For many years last passed, devastating floods have occurred each spring and fall, destroying thousands of acres of cleared lands and just at this time the press of the state estimate that ten millions of dollars damages have been done to farms, stock, dwellings, crops, highways, bridges, and 16 deaths of human beings have occurred from drowning. These conditions are growing steadily worse from year to year, the counties, cities and state are unable to pay the expense necessary to the preservation of the homes and the highways and bridges.

WHEREAS, The removal of such forests increases yearly the danger and damage from high water and floods to highways and private property; and,

WHEREAS, Some of the said valleys have rivers navigable for considerable distances if properly dredged; and,

WHEREAS, The cost of flood control in the above mentioned valleys is beyond the ability of the State of Washington to provide;

Therefore, Your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, petition your honorable bodies, the Senate and House of Representatives of the United States, to provide, either by legislation or otherwise, some system of flood control affecting the above named valleys and their tributary rivers in an effort to bring about adequate relief to the flood threatened areas of these rivers.

Be It Further Resolved, That this memorial be forwarded to the President of the Senate and to the Speaker of the House of Representatives of the United States,

and to each of the Senators and Representatives in Congress from the State of Washington.

And your memorialists ever pray.

Passed the Senate December 16, 1933.

Passed the House December 21, 1933.

HOUSE JOINT RESOLUTION NO. 12.

Providing for an amendment to House Joint Resolution No. 11, page 942-A, Session Laws of 1933, relating to the submission of a constitutional amendment amending Section 1 of Article VII, of the Constitution of the State of Washington, relating to taxation.

Be It Resolved, By the Senate and House of Representatives in Extraordinary Legislative Session Assembled:

THAT, House Joint Resolution No. 11, page 942-A, Session Laws of 1933, be, and hereby is amended to read as follows:

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, 1934, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 1 of article VII of the constitution of the State of Washington, so that the same shall, when amended, read as follows:

Section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. There shall be such exemptions from taxation as the legislature may by general law provide. Nothing con-

tained in this section shall be construed to prevent the enactment of a graduated net income tax law.

And Be It Further Resolved, That the secretary of state shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Passed the House January 9, 1934.

Passed the Senate January 11, 1934.

All Initiative and Referendum Measures Filed in the Office of the Secretary of State and the Disposition Thereof.

- INITIATIVE MEASURE NO. 1 (State Wide Prohibition)—Refiled as Initiative Measure No. 3 (q. v.).
- INITIATIVE MEASURE NO. 2 (Eight Hour Law)—Refiled as Initiative Measure No. 5 (q. v.).
- INITIATIVE MEASURE NO. 3 (State Wide Prohibition)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 4 (Drugless Healers)—No petition filed.
- INITIATIVE MEASURE NO. 5 (Eight Hour Law)—No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (Blue Sky Law)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 7 (Abolishing Bureau of Inspection)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)—Submitted to the people November 3, 1914; passed.
- INITIATIVE MEASURE NO. 9 (First Aid to Injured)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 10 (Convict Labor Road Measure)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 11 (Fish Code)—Petition failed.
- INITIATIVE MEASURE NO. 12 (Abolishing Tax Commission)—Petition failed.
- INITIATIVE MEASURE NO. 13 (Eight Hour)—Submitted to the people November 3, 1914; failed to pass.
- INITIATIVE MEASURE NO. 14 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 15 (Fundamental Reform Act)—No petition filed.
- INITIATIVE MEASURE NO. 16 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 17 (State Road Measure)—No petition filed.
- INITIATIVE MEASURE NO. 18 (Brewers' Hotel Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 19 (Non-Partisan Election and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 20 (First Aid)—No petition filed.
- INITIATIVE MEASURE NO. 21 (Home Rule)—No petition filed.

- INITIATIVE MEASURE NO. 22 (Fisheries Code)—No petition filed.
- INITIATIVE MEASURE NO. 23 (Politicians' Code)—No petition filed.
- INITIATIVE MEASURE NO. 24 (Brewers' Bill)—Submitted to the people November 7, 1916; failed to pass.
- INITIATIVE MEASURE NO. 25 (Repealing Chapter 2, Laws 1915, known as Initiative Measure No. 3)—No petition filed.
- INITIATIVE MEASURE NO. 26 (Making the State a Prohibition District)—No petition filed.
- INITIATIVE MEASURE NO. 27 (Repealing Chapter 57, Laws 1915)—No petition filed.
- INITIATIVE MEASURE NO. 28 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 29 (Capitol Removal Bill)—No petition filed.
- INITIATIVE MEASURE NO. 30 (Eight Hour Law)—No petition filed.
- INITIATIVE MEASURE NO. 31 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 32 (Picketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 33 (Non-Partisan Elections and Presidential Primary)—No petition filed.
- INITIATIVE MEASURE NO. 34 (Relating to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 35 (Repealing Chapter 174, Laws 1919)—Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (Municipal Marketing Measure)—No petition filed.
- INITIATIVE MEASURE NO. 37 (Relating to Ownership of Land by Aliens)—No petition filed.
- INITIATIVE MEASURE NO. 38 (Repealing Chapter 209, Laws 1907)—No petition filed.
- INITIATIVE MEASURE NO. 39 (Repealing Chapter 138, Laws 1913)—No petition filed.
- INITIATIVE MEASURE NO. 40 (Repealing Chapter 174, Laws 1921)—Submitted to the people November 7, 1922; passed.
- INITIATIVE MEASURE NO. 41 (Non-Partisan Elections)—No petition filed.
- INITIATIVE MEASURE NO. 42 (Workmen's Compensation Measure)—Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (Relating to Injunctions in Labor Disputes)—No petition filed.
- INITIATIVE MEASURE NO. 44 (Relating to Municipal Ownership)—No petition filed.

- INITIATIVE MEASURE NO. 45 (Reapportionment)—No petition filed.
- INITIATIVE MEASURE NO. 46 ("30-10" School Plan)—Submitted to the people November 7, 1922; failed to pass.
- INITIATIVE MEASURE NO. 47 (Workmen's Compensation Measure)—No petition filed.
- INITIATIVE MEASURE NO. 48 (Compulsory School Attendance)—No petition filed.
- INITIATIVE MEASURE NO. 49 (Compulsory School Attendance)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 50 (Limitation of Taxation)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 51 (Pertaining to Salmon Fishing)—No petition filed.
- INITIATIVE MEASURE NO. 52 (Electric Power Measure)—Submitted to the people November 4, 1924; failed to pass.
- INITIATIVE MEASURE NO. 53 (Relating to Sanipractic)—No petition filed.
- INITIATIVE MEASURE NO. 54 (State commission to license and regulate horse-racing, pool-selling, etc.—Pari-mutuel Measure)—No petition filed.
- INITIATIVE MEASURE NO. 55 (Prohibiting use of purse seines, fish traps, fish wheels, etc.)—No petition filed.
- INITIATIVE MEASURE NO. 56 (Re-districting state for legislative purposes)—Refiled as Initiative Measure No. 57 (q. v.).
- INITIATIVE MEASURE NO. 57 (Re-districting state for legislative purposes)—Submitted to the people November 4, 1930; passed.
- INITIATIVE MEASURE NO. 58 (Permanent Registration)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 59 (Tax Free Homes)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (Licensing of Mercantile Establishments)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 62 (Creating Department of Game)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 63 (Exemption of Homes from Taxation)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)—Filed January 9, 1932. Submitted to the people November 8, 1932; passed.

- INITIATIVE MEASURE NO. 65 (Cascade Mountain Tunnel)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (Scientific Birth Control)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (Abolishes Excise Tax on Butter Substitutes)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (Unemployment Insurance)—Filed March 21, 1932. No petition filed.
- INITIATIVE MEASURE NO. 69 (Income Tax Measure)—Filed March 22, 1932. Submitted to the people November 8, 1932; passed.
- INITIATIVE MEASURE NO. 70 (Compulsory Military Training Prohibited)—Filed April 4, 1932. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 1 (District power measure)—Submitted to the people November 4, 1930; passed.
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REFERENDUM MEASURES.

- REFERENDUM MEASURE NO. 1 (Teachers' Retirement Fund)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 2 (Quincy Valley Irrigation Measure)—Submitted to the people November 3, 1914; failed to pass.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws 1915, Relating to Initiative and Referendum)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws 1915, Recall of Elective Public Officers)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws 1915, Party Conventions Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws 1915, Anti-Picketing)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws 1915, Certificate of Necessity Act)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws 1915, Port Commission)—Submitted to the people November 7, 1916; failed to pass.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws 1915, Budget System)—Submitted to the people November 7, 1916; failed to pass.

- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws 1917, Bone Dry Law)—Submitted to the people November 5, 1918; passed.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws 1917, Capitol Building Fund Bonds)—No petition filed.
- REFERENDUM MEASURE NO. 12 (Chapter 59, Laws 1921, Certificate of Necessity)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 13 (Chapter 175, Laws 1921, Physical Examination of School Children)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 14 (Chapter 177, Laws 1921, Primary Nominations and Registration)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws 1921, Party Conventions)—Submitted to the people November 7, 1922; failed to pass.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws 1923, Butter Substitutes)—Submitted to the people November 4, 1924; failed to pass.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws 1929, Creating Department of Highways)—No petition filed.

REFERENDUM BILLS.

- REFERENDUM BILL NO. 1 (Chapter 99, Laws 1919, State System Trunk Line Highways)—Submitted to the people November 2, 1920; failed to pass.
- REFERENDUM BILL NO. 2 (Chapter 1, Laws Extraordinary Session, 1920, Soldiers' Equalized Compensation)—Submitted to the people November 2, 1920; passed.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws 1923, Electric Power Bill)—Submitted to the people November 4, 1924; failed to pass.

CONSTITUTIONAL AMENDMENTS

- No. 1. To Section 5 of Article XVI. Re: Permanent School Fund. Adopted November, 1894.
- No. 2. To Section 1 of Article VI. Re: Qualification of Electors. Adopted November, 1896.
- No. 3. To Section 2 of Article VII. Re: Uniform Rates of Taxation. Adopted November, 1900.
- No. 4. To Section 11 of Article I. Re: Religious Freedom. Adopted November, 1904.
- No. 5. To Section 1 of Article VI. Re: Equal Suffrage. Adopted November, 1910.
- No. 6. To Section 10 of Article III. Re: Succession in Office of Governor. Adopted November, 1910.

- No. 7. To Section 1 of Article II. Re: Initiative and Referendum. Adopted November, 1912.
- No. 8. To Sections 33 and 34 of Article I. Re: Recall. Adopted November, 1912.
- No. 9. To Section 16 of Article I. Re: Taking of Private Property. Adopted November, 1922.
- No. 10. To Section 22 of Article I. Re: Right of Appeal. Adopted. November, 1922.
- No. 11. To Section 4 of Article VIII. Re: Appropriations. Adopted November, 1922.
- No. 12. To Section 5 of Article XI. Re: Consolidation of County Offices. Adopted November, 1924.
- No. 13. To Section 15 of Article II. Re: Vacancies in the Legislature. Adopted November, 1930.
- No. 14. To Article VII. Re: Revenue and Taxation. Adopted November, 1930.
- No. 15. To Section 1 of Article XV. Re: Harbors and Harbor Areas. Adopted November, 1932.

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