

CHAPTER 148.

[H. B. 390.]

REFUNDS OF OVERCHARGE BY PUBLIC
SERVICE COMPANIES.

AN ACT relating to refunds of overcharges made by public service companies; prescribing procedure in matters relating thereto, and amending section 10433 of Remington's Compiled Statutes of Washington, and repealing sections 10434, 10435, 10436, 10437, 10438 and 10439 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 10433 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends
§ 10433, Rem.
Comp. Stat.

Section 10433. When complaint has been made to the department of public works concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, or that any such company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, or which may thereafter be declared to be the legal rate which should have been applied to the service rendered, and the same has been investigated by the department, and the department shall determine that the public service company has charged an excessive or exorbitant [exorbitant] amount for such service, the department may order that the public service company pay to the complainant the amount of the overcharge so found, with interest from the date of collection.

Excessive
charges.

Findings of
department.

If the public service company does not comply with the order of the department for the payment of the overcharge within the time limited in such order, suit may be instituted in any superior court where service may be had upon the said company to

Superior
court.

recover the amount of the overcharge with interest. It shall be the duty of the department of public works to certify its record in the case, including all exhibits, to the court. Such record shall be filed with the clerk of said court within thirty days after such suit shall have been started and said suit shall be heard on the evidence and exhibits introduced before the department and certified to by it. If the complainant shall prevail in such action, the superior court shall enter judgment for the amount of the overcharge with interest and shall allow complainant a reasonable attorney's fee, to be fixed and collected as a part of the costs of the suit. If the order of the department shall be found to be contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the department with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive. The court may in its discretion remand any cause which is reversed by it to the commission for further action. Appeals to the supreme court shall lie as in other civil cases. All complaints concerning overcharges shall be filed with the department within two years from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the superior court within one year from the date of the order of the department.

Supreme
court.

Time
limitation.

Exclusive
remedy.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction of orders of the department determining overcharges and/or reparation save in the manner hereinbefore provided.

Repeals
§§ 10434-
10439 inc.,
Rem. Comp.
Stat.

SEC. 2. That sections 10434, 10435, 10436, 10437, 10438 and 10439 of Remington's Compiled Statutes of Washington are hereby repealed.

SEC. 3. This act shall not affect any proceeding or action pending in any court whatever at the time this act shall take effect. Actions pending.

Passed the House February 28, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 149.

[H. B. 416.]

CREATION AND MAINTENANCE OF RECLAMATION DISTRICTS.

AN Act authorizing the creation and maintenance of reclamation districts, and of general improvement and divisional districts within the boundaries of the same for the development, distribution and sale of hydro-electric power and for the irrigation and improvement of arid and semi-arid lands situated therein, prescribing the objects and powers of such districts, fixing the duties and powers of certain officers in relation thereto, providing for the levy and collection of taxes and assessments against the lands included within district boundaries, authorizing the issuance and sale of bonds and other evidences of indebtedness, and the execution of contracts with the United States or any state therein for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and amending sections 1, 2, 3, 19, 20, 24, 46, 54, 55, 71, 72, 84, 131, 143, 145, 146 and 263 of chapter 254 of the Laws of 1927, substituting a new section for section 4 of chapter 254 of the Laws of 1927, and declaring an emergency.

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

SECTION 1. That section 1 of chapter 254 of the Laws of 1927 be amended to read as follows:

Amends § 1, ch. 254, Laws of 1927.

Section 1. Reclamation districts including an area of not less than one million acres of land may be created and maintained in this state, as herein provided, for the reclamation and improvement of arid and semi-arid lands situated in such districts, and for the generation and/or sale of hydro-electric

Reclamation districts, creation of.

Electric energy.